

2024

SADC Lawyers' Association

President's Annual Report



SADC LAWYERS' ASSOCIATION

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List of Abbreviations

ABA	American Bar Association
ABACHR	American Bar Association Centre for Human Rights
ADR	Alternative Dispute Resolution
AFSA	Arbitration Foundation of Southern Africa
AG	Attorney General
AGM	Annual General Meeting
ARISA	Advancing Rights in Southern Africa
AU	African Union
CIVICUS	World Alliance for Civil Society
CLA	Commonwealth Lawyers Association
CPD	Continuing Professional Development
CSO	Civil Society Organizations
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
FoAA	Freedom of Association & Assembly
GBV	Gender-based Violence
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GmbH IBA	International Bar Association
HRC	Human Rights Commissions
HRI	Human Rights Institute
ICJ	International Commission of Jurists

IILACE	International Institute for Law Association Chief Executives
JSC	Judicial Service Commission
KAS	Konrad Adenauer Stiftung
LSSA	Law Society of South Africa
LSZ	Law Society of Zimbabwe
MOU	Memorandum of Understanding
MRG	Mediation Reference Group
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
PALU	Pan African Lawyers' Union
RSF (IJLP)	Regional Solidarity Fund to Support of the Independence of the Judiciary & the Legal Profession
RWPC	Regional Women Parliamentary Caucus
SADC	Southern African Development Community
SADC CNGO	SADC-Council of Non-Governmental Organisations
ECF - SADC	Electoral Commissions Forum of Southern African Development Community
SADCLA	SADC Lawyers' Association
SADC PF	Southern African Development Community Parliamentary Forum
SDG	Sustainable Development Goals
SALC	Southern African Litigation Centre
SAT	Southern African Trust
SRHR	Sexual & Reproductive Health Rights
UNAIDS	United Nations Programme on HIV & AIDS
UNOHCHR	United Nations Office of the High Commissioner for Human Rights
WABA	West African Bar Association

WOZA	WOMEN in Law Awards
ZELA	Zimbabwe Environmental Law Association
ZLHR	Zimbabwe Lawyers for Human Rights

1. Introduction



This report covers the period from 1 July 2023 to 30 June 2024. The last SADC Lawyers' Association (SADCLA) President's report to be presented to the Annual General Meeting (AGM) covered the period up to July 2023 and was presented at the 22nd AGM of the Association, held in Luanda, Angola the 22nd of September 2023. The current report highlights the major activities and progress made on specific strategic and programmatic areas of operation of the SADC-LA arising from the 2022 to 2024 Strategic Plan. It also heralds the incoming focus areas for the 2025 - 2029 Strategic plan. The organization's constitution and resolutions of the Association's various structures are also highlighted. The report will highlight key areas of strategic overhaul and adaptation made by your leadership to ensure the continued positive trajectory of implementation of our strategic plan.

The operations of the Association have taken a strategic turn to focus on implementation of the

incoming 2025-2029 Strategic Plan. The process of drafting a new strategic plan provided a platform for rejuvenation and adaptation of SADCLA to cope in a rapidly changing geo-political landscape. Given a paradigm shift in the environmental dynamics of the region, it will be necessary to review the strategic plan and do a mid-term evaluation to adapt as appropriate.

The structure of this report therefore follows the main program areas of the organization as articulated in the strategic plan. These are:

- Democracy and Governance
- Human Rights and Rule of Law
- Organizational Development
- Membership Engagement & Capacity Development
- Advocacy & Communication
- Council & Exco Meeting Attendance

As always, the Association's various structures played an important role in ensuring the implementation of organizational activities during the period under review. These included the Executive Committee, the Council, the Council Committees, institutional and individual members as well as the Secretariat and law societies. We also recognize the role of partners to SADC-LA for development in the region. It is hoped that they will continue to play their role to ensure the success of the Association in the coming year.

This report comes on the back of a Special General Meeting that was part of the Association's attempt to adapt to the irregularities introduced by the occurrence of the covid-19 pandemic. Our governance processes and structures had to adapt and now we signal the return to normalcy.. This report will share progress made in the implementation of our adopted strategy for strengthening self-sustainability. In coming up with this new strategy SADC-LA is sending out a new message of hope to add value and purpose to the work of lawyers in the region. An area of focus will be the need to entrench sustainability of the organization and ensure survival of its capacity to carry out its vital mandate.

2. Identity, Structures and Stakeholders

2.1. SADC LA Identity

The SADC LA is a voluntary association made up of law societies, bar associations and individual lawyers from the 16-member Southern African region. It is the only organization that effectively brings together lawyers from the Sub Region. As such it is an authoritative and representative voice of the collective legal profession in Southern Africa.

The organization was formed in 1999 at an inaugural meeting that was held by SADC regional lawyers in Maputo, Mozambique. Since its formation, the organization has 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. The SADC LA strives to ensure an independent and competent legal profession in Southern Africa. The Association is acutely aware that an independent, competent and efficient legal profession in the region provides a solid basis for an independent judiciary in the SADC region. There cannot be rule of law in the absence of an independent judiciary in theory and practice.

The SADC LA is the vehicle through which the legal profession from the SADC region collectively promotes justice, defends human rights, the rule of law and the independence of the judiciary and generally gives direction and control to the legal profession. The mission of the Association is “To Protect and Promote the Rule of Law, Without Fear and Favor”

2.2. SADC LA Structures

The Law Societies/Associations, Bar Associations and other members of the SADC LA control the affairs of the SADC LA through the Annual General Meeting (AGM) of the SADC Lawyers' Association. This meeting exercises general political and strategic control over the Association. It elects office bearers of the SADC LA Executive Committee from amongst the SADC LA councilors, makes honorary appointments, approves annual accounts and makes decisions on the times and venues for the next AGM.

The SADC LA Council consists of two members from each institutional member. The SADC LA Council through the Executive Committee is the board governing the affairs of the SADCLA and runs the affairs of the SADCLA in between AGMs. It reports to the AGM.

The Executive Committee comprises the President, Vice President, Treasurer and two additional members elected by the SADC LA AGM. The SADC-LA Executive Committee supervises the SADC-LA Secretariat, headed by the Executive Secretary.

The SADC-LA secretariat is responsible for implementing SADC-LA programs as directed by and under the supervision of the SADC-LA Executive Committee. The SADC-LA also establishes committees when necessary to deal with critical issues of concern to the Association. During the year under reporting Exco appointed a Climate change and sustainability committee to promote the role of the legal profession in fighting climate change.



2.3. SADC LA Stakeholders

In practice, the following stakeholders are considered critical to SADCLA's mandate:

- Institutional members: stated in the constitution as “any national law society or bar association in existence in any country within the region.” Institutional membership in practice however also includes any eligible law based organisation, association or law firm.
- Individual members: are members of national lawyers’ or bar associations within SADC and are eligible to practice law (admitted to practice or called to the bar) within the SADC region.
- Strategic Partners: generally seen as like-minded domestic, regional and international institutions whose mandate is to promote and protect the rule of law, human rights and the administration of justice. These would include institutions such as East African Law Society (EALS), West Africa Bar Association (WABA), Zimbabwe Lawyers for Human Rights (ZLHR), American Bar Association (ABA), International Bar Association (IBA), International Commission of Jurists (ICJ), the Pan African Lawyers Union (PALU), the Southern Africa Litigation Centre (SALC), SADC Parliamentary Forum, Electoral Commissions Forum SADC (ECF- SADC), Arbitration Foundation of Southern African (AFSA), UNAIDS, UNOHCHR and the SADC Council of NGOs (SADC-CNGO).
- Cooperating Partners: Donors or funders of programs.
- Judicial and Quasi-Judicial Institutions/Organs in the SADC and African Union (AU). These include domestic courts and sub-regional and regional courts and tribunals
- Relevant governmental and intergovernmental bodies concerned with human rights, the administration of justice and the rule of law.

This year SADCLA moved on focusing its theme to supporting regional integration under the incoming Africa Continental Free Trade Area and the SADC Protocol on Trade in Services. The role of IT in facilitating relevance of law in sustainable investment in mining, energy and infrastructure is key to fighting poverty and realizing social justice.

3. Mandate, Values and Principles

3.1. Mandate

The core business of SADC-LA is ensuring that governments in the SADC region protect the rights of their citizens and respect the rule of law and independence of the judiciary in all situations, including situations where judgments are given against them. The SADC-LA is mandated by its members as a professional body of lawyers to protect and promote the rule of law throughout the SADC region and promote human rights, including the rights of people with disabilities, women, children, accused persons, prisoners and/ or other detainees, and the rights of people living in communities in which there are some extractive industries.

3.2. Values & Principles

In executing its duties, SADC-LA is guided by the following values and principles articulated in its founding preamble, as follows:

- Mutual interaction with the Bar Associations, Law Societies and their respective members within the Region.
- Upholding and maintaining respect for the Rule of Law and fundamental liberties.
- Promoting the respect for human rights, especially the rights of women, people with disabilities and children.
- Development of respective legal systems to ensure the proper administration of justice and generally to work towards the harmonization of SADC cotries' respective legal systems and to advance the interests of the members.



4. Aims and Objectives

SADC LA is constitutionally mandated to fulfil the following objectives:

- Maintain and promote the Rule of Law throughout the SADC Region and to promote human rights, including the rights of people with disabilities, women and children;
- Work with, support and complement the work of the Pan African Lawyers Union, The Commonwealth Lawyers' Association, the International Bar Association and other international organizations with similar objectives;
- Ensure that the people of the Region are served by an independent and efficient legal profession;
- Ensure that a common bond of co-operation within the Region is preserved and fostered by strengthening of professional links between members of the legal profession and to enhance their interests;
- Promote the honor, integrity of the profession and uniformity in standards of professional ethics;
- Encourage the improvement of standards of legal education and the promotion of exchange of legal expertise and institute exchange programs for lawyers and students;
- Encourage the harmonization of the legal system of the Region;
- Facilitate and increase the flow of professional information between Law Societies and Bar Associations of the Region on developments relevant to the organization and servicing of the practicing legal profession.
- Hold regular Regional Law Conferences, open to all branches of the legal profession throughout the Region, and promote as wide an attendance thereat as is practicable;
- Respond as appropriate to ad hoc requests for information and assistance received from Law Societies and Bar Associations within the Region;
- Provide support for Law Societies, Bar Associations and other appropriate organizations and legal professional associations concerned with matters of common interest;
- Generally, to do all that is necessary to further the interests of the legal profession and civic society advancing human rights and rule of law throughout the Region with a view to improving the legal services available to and provided for the public, and that there is equal access to justice for all;
- To facilitate conflict resolution amongst countries, organizations and individuals within the Region by way of arbitration and alternative dispute resolution.

5. Activity Report

5.1. Democracy & Governance

PROMOTING POLITICAL PARTICIPATION OF WOMEN IN DEMOCRATIC PROCESSES UNDER THE DEMOCRACY WORKS FOUNDATION

I am happy to submit that under the current reporting period, a new partnership was established with the Democracy works Foundation. SADCLA is one of four NGOs chosen to carry the first implementation phase of the Democracy Works Foundation advocacy in Southern Africa. Under this project, SADCLA has to assessed the gender responsiveness of the African Charter for Democracy, Elections and Governance (ACDEG). The project requires use of Civic Technology to enhance civic participation. Please find attached the Grant Agreement for Exco information and update.

The project was premised on our conviction that one of the essential elements of an open, free and democratic society is the extent to which citizens have opportunities to participate and to be represented in governance and decision-making

processes. This includes the extent to which both women and men have equal opportunities, rights and responsibilities to participate in electoral and political processes. Due to various factors, women's participation and representation in electoral and political processes has historically been less than that of men world-wide. As a result, global efforts have been made to ensure the increased participation of women in electoral and political processes during the last three decades. The foundation of these efforts is premised on the principles of non-discrimination and equal enjoyment of political rights as enshrined in the Universal Declaration of Human Rights¹ and the Convention on the Political Rights of Women². Various international and regional human rights and political instruments came into effect thereafter, with some explicitly providing for women's rights to participate in electoral and decision-making processes³, and others implicitly providing for this right through equality and nondiscrimination provisions.⁴

¹ UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at:

<https://www.refworld.org/docid/3ae6b3712c.html> .

² UN General Assembly, Convention on the Political Rights of Women, 20 December 1952, A/RES/640(VII), available at:

<https://www.refworld.org/docid/3ae6b3b08.html>

³ UN General Assembly, Convention on the Elimination of All Forms of Discrimination against Women, Article 7, 18 December 1979,

A/RES/34/180, available at: <https://www.refworld.org/docid/3b00f2244.html>; African Union, Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, Articles 2, 8(f) and 9, 11 July 2003, available at:

<https://www.refworld.org/docid/3f4b139d4.html>; Southern African Development Community, SADC Protocol on Gender and

Development, Articles 2.1, 5, 12, 13 and 32; African Union, African Charter on Democracy, Elections and Governance, Articles 8 and 29, 30 January 2007, available at: <https://www.refworld.org/docid/493fe2332.html>.

⁴ UN High Commissioner for Refugees (UNHCR), ICCPR International Covenant on Civil And Political Rights: Quick Reference Guide -

Statelessness and Human Rights Treaties, October 2016, Article 25, available at: <https://www.refworld.org/docid/58c25e3a4.html>;

Organization of African Unity (OAU), African Charter on Human and Peoples' Rights ("Banjul Charter"), Articles 3 and 13, 27 June 1981,

CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), available at: <https://www.refworld.org/docid/3ae6b3630.html>.

At the African level, SADCLA realises that the African Charter on Democracy, Elections & Governance (ACDEG) has been instrumental as it established a significant framework for States to use in electoral, democracy and governance processes. The ACDEG has been one of the widely used charters on the continent on matters pertaining to elections, democracy and governance since its adoption in 2007 and a review in 2015. The charter is explicit on the contentious issues on elections ranging from corruption, political pluralism, transparency in electoral processes etc. The charter is clear on how challenges of women's participation in election, democracy and governance can be addressed for instance through approaching the Democracy and Electoral Assistance Unit for advisory services for strengthening electoral institutions and processes.⁵ While ACDEG is not a germane women's rights instrument, it has a wide range of provisions that advance women's political rights.

These provisions include mandating States to: 'promote gender equality in public and private institutions; eliminate all forms of discrimination, especially those based on gender; adopt legislative and administrative measures to guarantee the rights of women; protect the right to equality before the law and equal protection by the law.'⁶The charter creates necessary conditions for full and active participation of women in decision-making at all levels; take all possible measures to encourage full and active participation of women in electoral process and ensure gender parity in representation. Furthermore, the charter endeavours to provide free and compulsory basic education to all, especially girls to ensure literacy of citizens above compulsory school age, particularly women.⁷ In reference to youth, the ACDEG specifically calls for States to 'promote the participation of social groups with special needs, including the youth and people with disabilities, in governance processes'.

Regionally, SADCLA recognises that many Southern African Development Community (SADC) Member States are party to several human rights and political instruments, and most of the rights and principles contained in these instruments are reflected in their Constitutions and domestic laws. In addition, the SADC Revised Protocol on Gender and Development requires State Parties to ensure that at least fifty percent of their decision-making positions in both the public and private sphere are held by women. SADC Member States are actively working towards the equal representation of women and men in politics and decision-making positions in all levels (Cabinet, Parliament, Council, Management of Public Services, Public Services, State owned enterprises and the private sector).⁸ To date, several countries, including Angola, Mozambique, Namibia, South Africa, Tanzania and Zimbabwe, have on average more than 30% women's representation in the upper and lower houses of parliament.⁹ However, despite the existence of these instruments and the ACDEG, women's participation and representation in electoral processes continues to decline. In a bid to contribute to the above challenges, the SADC Lawyers Association commissioned this research to gain a deeper and comprehensive understanding of the challenges affecting women's political participation and representation in politics and decision-making positions in SADC Member States.



⁵ Article 18 of the African Charter on Democracy, Elections and Governance

⁶ Article 8 (1) of the African Charter on Democracy, Elections and Governance

⁷ Ibid at 43 (2)

⁸ SADC Women in Politics and Decision Making, See <https://www.sadc.int/pillars/women-politicsdecision-making>

⁹ SADC Women in Politics and Decision Making, See <https://www.sadc.int/pillars/women-politicsdecision-making>

The research paper set out to analyse the provisions of the ACDEG and give an explicit clear and measurable status on political participation of women showing the initiatives essential to improve the current status and explicit recommendations on how to achieve the objectives. A deep analysis will be on the extent in which women have access to their political rights. In this paper, the term "political rights" is defined to encompass the right to exert influence or involvement in the political sphere, shaping policies. More specifically, the study seeks to investigate and analyse gender responsiveness of the ACDEG in the SADC region in light of challenges and barriers witnessed in regard to the participation of women in democracy, governance and electoral processes to enhance promotion of human rights, strengthen the rule of law and improve political, economic and social governance.

In examining and analysing gender responsiveness of ACDEG in the SADC region considering challenges and barriers of women's participation in democracy, governance and electoral processes, the research is guided by the following broad objectives;

- To examine the application of the ACDEG and highlight the impact on the most vulnerable groups of women and provide recommendations to key rule of law institutions.
- To identify innovative solutions on Civic technology to promote gender responsiveness of the ACDEG.
- To highlight gaps in the ACDEG pertaining to the rights of women in elections in the SADC Region, and identify existing gaps between policy and implementation on and create effective practical and administrative solutions
- To highlight and recommend for review and amendment/ repeal legislation policies and practices that limit the political rights of women at national level
- To identify initiatives imperative in ensuring gender responsiveness of the ACDEG.
- To lay foundation for development of a strategy for coordinated and inclusive advancement of implementation of the ACDEG principles on participation of women in politics
- To identify key strategies to educate & improve the knowledge of women on their fundamental political and electoral rights.

Electoral Dispute Resolution – During the period under reporting, the SADCLA continued to advance the cause of gender equity. This is based on our strong belief that the law must work for the betterment of all, the need for equal access to justice and the need to facilitate the foundational role of social justice amongst SADC's citizens. SADCLA joined the Women and Law in Southern Africa to conduct a regional Electoral Dispute Resolution training. This was held in September immediately before the Zimbabwe elections in Harare. The key goal was to capacitate lawyers to use electoral and existing human rights laws to advance female political participation in elections, and ensure that dispute resolution mechanisms are responsive to challenges peculiar to women in elections. SADCLA previously conducted the same capacity building exercise in Angola before its general election. The training guide developed for Angola was adapted to the Zimbabwean context and SADC in general. SADCLA is also the only electoral observer mission in Southern Africa to have an observation manual with a gender check-list that has been of interest to regional and international EOMs.

The key outcomes of the Harare capacity building workshop were that electoral litigation training must not be reserved for the electoral season, but it must be ongoing, deliberate and permanent. It is critical to develop a cohort of lawyers with perennial skills in electoral justice, not just litigation to monitor and implement national, regional and international standards on electoral justice. The Workshop also found it plausible to develop a Genderization toolkit for legislation and policy framework regulating elections. This was picked up as a result of the joint WLSA-SADCLA exercise to develop a Pan African Gendered Model Electoral Law.

NEWS DAY
Flavio Menete
Vice president SADC lawyers association

SADCLA President (Then VP) Addresses the Media on the occasion of the Harare, Regional Training on electoral Dispute Resolution.

Please follow his media interview here :

<https://twitter.com/NewsDayZimbabwe/status/1690002540060930049?s=08>

Electoral Dispute Resolution is anchored in the guarantee of electoral rights as political rights in international and regional human rights law.

Article 21 of the Universal Declaration of Human Rights (UDHR):

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 25 of the International Covenant on Civil and Political Rights (ICCPR):

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs,

- directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

Article 13 of the African Charter on Human and Peoples' Rights (ACHPR):

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
2. Every citizen shall have the right of equal access to the public service of the country.
3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.



SADCLA Plays a Pivotal Role in Law Reform in Malawi – The Adoption of a New International Arbitration Act.



Through the partnership with AFSA, SADCLA motivated for pro bono experts to review the old Arbitration Act in Malawi and draft a new one. The drafters were Mike Kuper SC, Professor David Butler, Des Williams and SADCLA CEO Stanley Nyamanhindi. The collaboration and input of the Malawi Law Society led by its President, Patrick Gray Mpaka was critical to the completion of the law reform exercise and mobilisation of advocacy to ensure the legislative process went as planned.

It was the case that the Parliament was close to prorogation and delay would have led to extension of the time within which to finalise the new Act. AFSA and SADCLA duly paid a courtesy and consultative call on the Minister of Justice in Malawi during which Hon Titus Mvalo welcomed the assistance of AFSA to draft a standard law with the core minimum benchmarks for a modern arbitration Act.

On 7 December 2023 the Malawi Parliament adopted the International Arbitration Bill of 2023 without modification. The Bill reflects the joint proposals made to government by AFSA, SADCLA and Malawi Law Society. Malawi has thereby brought its legislative frame work in line with international best practice for the resolution of commercial and investment dispute resolution.

Services People

NEWS TIPS, FUNCTIONAL RELEASES

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Man found dead in vehicle, police open probe

NATHAN MWAFULIRWA
STAFF WRITER

Police have launched a murder investigation after the body of a man identified as Alan Wittika was found in the backseat of his motor vehicle in Area 15 residential estate in Lilongwe yesterday.

Lingadzi Police Station spokesperson Salome Zgambo said police suspect that Wittika, who was working as Coca-Cola Beverages Company (Malawi) sales manager, was murdered between 6am and 7am and his body moved to the back seat of his vehicle, an Isuzu supercab pickup.

She said police have initiated murder investigations because the deceased was found with cuts in the head and his body was covered with the vehicle's floor mats.

Said Zgambo: "We suspect that



Found with cuts in the head: Wittika



Zgambo: We believe it is a murder case

this happened between 6 and 7 in the morning because that is when passers-by spotted the car at the scene. The people were curious to know why the car was there for a long time without anything happening.

"Upon checking, it is when they found the deceased lying in the back seat of the car. We believe it is a murder case because the man has been found with cuts in his head."

In a separate interview,

Coca-Cola Beverages Company public affairs and community sustainability director Godwin Ng'oma said the company was shocked and saddened by Wittika's death.

He said: "We actually do not have official information of what has happened. Now, everything is being handled by the police."

"But in the morning, we were just surprised that our colleague was not with us in the meeting and later around 11am, this when we heard that his car had been found in Area 15, with the deceased."

Ng'oma extended condolences to the family for Wittika's death.

Information gathered by police shows that the victim was 35 years-old and came from Liwonde Village, Traditional Authority Kanduku in Mwanza District.

AG backs commercial arbitration proposal

LUCKY MKANDAWIRE
NEWS ANALYST

Attorney General (AG) Thabo Chakaka Nyirenda says commercial arbitration remains a reliable mechanism of resolving commercial disputes because it achieves fairness and justice compared to traditional ways of dispute resolution.

Speaking in Nairobi, Kenya yesterday during the commemoration of the Nairobi Arbitration Week where he was the guest speaker, he said expeditious and economic disposal of the disputes could be achieved faster under commercial arbitration than through the conventional court system.

In a speech made available to *The Nation*, Nyirenda said Malawi's political leadership, business community and the legal profession appreciate commercial arbitration as a trusted instrument of resolving commercial disputes.

He said: "Thus, arbitration is one of the pillars of alternative dispute resolution and consonant with civilisation and development."

"You can agree with me that if, as regions, or indeed as the African continent we utilise the power of



Nyirenda: It is one of the pillars of alternative dispute resolution

arbitration, we will make more economic gains than losses."

Nyirenda expressed optimism that members of Parliament would pass a supporting International Arbitration Act in November this year which is crucial in the establishment of the centre.

Last month, the Malawi Law Society (MLS) signed an international arbitration facilitation agreement with the Arbitration Foundation of Southern Africa (AFSA), marking a significant milestone towards establishing the Arbitration Centre in Malawi.

Speaking during the signing ceremony in Blantyre, MLS chairperson Patrick Mpaka said the centre would significantly improve the business environment.

Held under the theme, 'Gearing up for changing times: Exploring perspectives for arbitration', the Nairobi Arbitration Week is organised by the Nairobi Centre for International Arbitration which is ranked among the top five arbitral institutions in Africa.

Malawi ratified the New York Convention in June 2021, becoming the 167th Contracting State to the 1958 convention. ■

Minister confirms hiccups in AIP roll-out

◀ PAGE 3

Farmers Fertiliser Revolving Fund of Malawi, signed a contract with a dubious foreign company dealing in oil and fish products to supply fertiliser.

The delays, coupled with impacts of Cyclone Fred which hit most parts of the Southern Region, affected maize yields for most farmers.

This year, government said it is targeting between 1.3 million to 1.5 million beneficiary households for which has been allocated K1 billion, down from K117 billion last year.

The number of beneficiaries has been going down from the initial 3.7 million in the 2020/21 season to 1.5 million in the 2022/23 season due to budget cuts.

Meanwhile, the projected about 1.5 million beneficiaries has worried the Farmers Union of Malawi (FUM) and other agriculture experts who fear decision will leave out another 1.5 million smallholder farmers.

FUM president Mani Nkhata said considering that most farmers received fertilizer late in the 2022/23 season which affected their maize yields, the farmers that were left out from AIP this year will not be able to buy fertilizer at commercial price as most of them are poor and food insecure.

Ministry of Agriculture projected the distribution start on September 1 and end on November 30 2023. ■

◀ PAGE 2

implement them in Malawi unless people understand the meaning of State and president capture.

Born in 1964, Banda served as a senior diplomat to Japan and other Asian nations, Germany, the World Trade Organisation and neighbouring European

Thoko Banda eyes presidency

nations.

He went into exile in 1986 while his father was in political detention and was granted political asylum in the United States. Four years later, he graduated with a political science degree from The

College of Wooster in Ohio.

Malawi Electoral Commission at the weekend released the election calendar which shows that candidates are expected to present their nomination papers between April and June 2025. ■

SADCLA ATTENDED THE 12TH HIGH LEVEL DIALOGUE ON PEACE, DEMOCRACY, HUMAN RIGHTS AND GOVERNANCE IN AFRICA



The SADC LA CEO and Programmes Officer attended the African Union AGA – APSA 12th High Level Dialogue on Peace, Democracy, Human Rights and Governance in Africa held in Addis Ababa, Ethiopia.

Established in 2012, the AGA was created as a framework for dialogue between various stakeholders mandated to promote and strengthen democratic governance in Africa as articulated in the various AU Shared Values instruments. Its establishment was premised on the dire need to enhance the impact of various AU and RECs interventions in addressing governance deficits on the Continent. The Secretariat is hosted by DPAPS as the Bureau of the AGP.

The AGP is the institutional and interactive mechanism of the AGA. The Platform is composed of nineteen (19) AU Organs, Institution and RECs. In this regard, the Platform has a responsibility of enhancing the capacity of its stakeholders to support the Member States in promoting democratic governance. The Platform comprises eleven (11) AU Organs and Institutions with a Human Rights, Democracy, and Governance mandate as well as the eight (8) RECs⁶. Critical stakeholders that have been taking part through observing are the Chairperson of the PRC Sub-Committee on Human Rights, Democracy, and Governance (HRDG), Regional Mechanisms, Special Envoys for youth and women, and AU Offices outside AUC Headquarters, Addis Ababa, Ethiopia.

The HLD is a flagship initiative of the AGP which is convened under the auspices of the Platform and is created to foster dialogue among stakeholders and will serve as a forum reflection on different thematic issues. The HLD provides a space for policy discussions to happen annually on issues of democratic governance, human rights, and peace among other different stakeholders within and outside of the AU.

The AGP through the AGA-APSA Secretariat will implement the 12th edition of the HLD. The HLD is a critical interface between the AGP and stakeholders is intended to provide a frank, open, and inclusive space for policymakers, the private sector, think-thanks, academia, and practitioners to interrogate policy and practice imperatives that build the cornerstone for a peaceful and prosperous Africa. In addition, the Dialogue will focus specifically on appropriate democratic governance actions and recommendations that shall guide State and non-State interventions at national, regional, and continental levels.

5.2. Human Rights and Rule of Law

ADVOCACY AND ENGAGEMENT TOWARDS RESTORATION OF THE SADC TRIBUNAL

The SADCLA partnership with OSISA (Now Open Society Foundations – OSF) ended in February 2023. The project phase consisted of technical review and comparative drafting of an alternative protocol to the SADC Tribunal. This will be used as an advocacy tool and to educate civic society in SADC on the key minimum requirements for a durable and respected tribunal to address human rights abuses. It will also be used to engage SADC Member States and provide guidance on what non- state actors would like governments to consider in reconstituting the SADC Tribunal. It is the case that SADC is in the process of constituting the tribunal and the voice of the legal profession will be guided by the blue print to define benchmarks for minimum standards. It will accordingly be distributed to and through member Bar Associations.

The summary of activities undertaken through the OSISA grant are as below:

Objective 1: Produce empirical evidence on the impact of the absence of an Apex 1 Regional Tribunal on specific classification of human rights and peace and security in the SADC Region

Activity 1: Research on impact of the disbandment of the SADC Tribunal on human rights and rule of law in SADC

Activity 2: Drafting of Alternative Protocol on Restoration of the SADC Tribunal

Activity 3: Inter Regional Drafting Peer Review Workshop which was run as part of the ACGM in Angola as of September 2023.

Objective 2: Build Public Interest Litigation Capacity and identification of at least three Litigation and Advocacy Strategies

Activity 1: Regional Litigation Clinic for Public Interest Litigation Strategies for restoration of the SADC Tribunal

Activity 2: 1 Public interest Litigation/Advocacy and Africa Regional PIL

Activity 3: SADC Secretariat Engagement, Gaborone - Whilst the original dates for this engagement were postponed by the SADC Executive Secretary due to onset of elections in Zimbabwe and Eswatini, the meeting happened on 13 September at the SADC Headquarters in Gaborone, Botswana.

It will be important to rejuvenate the commitment by law Societies to advocate for restoration of the SADC Tribunal. Whilst funds had been identified for two cases of PIL and one case had already been planned in Malawi, a re-evaluation showed that the same funds would be more prudently spent if allocated to further the advocacy on a new SADC Tribunal and establishment of a formal framework of cooperation with SADC. It is the case that the SADC Secretariat is seized with re-establishing the SADC Tribunal and we must be part of the process as a consulted constituency.

SADCLA also recognises the importance of engaging other civic society actors in the region to build on past critical efforts made towards restoration of the SADC Tribunal. A shift from litigation or combative advocacy to engagement is seen as the key to progress given that the SADC Executive Secretary has opened his arms to cooperation.

JUDICIAL HANDBOOK ON REPRODUCTIVE JUSTICE

SADCLA's research and publications unit also worked hard to produce a Judicial Handbook on Reproductive Justice. The handbook is a toolkit to boost that capacity of judges, lawyers and prosecutors and even lawmakers whose duty requires application of the law in facilitating access to justice for women disproportionately affected by limitations on the exercise on their reproductive rights. The factors militating against their access to reproductive justice include cultural aspects, gender stereotypes and retrogressive legal frameworks. This study focused on Malawi, and Zimbabwe as countries with an opportunity to enhance the quality of law and its implementation along the law and policy lines. The research acknowledges that countries with restrictive abortion laws are more likely to have a relatively high proportion of unsafe abortions. Unsafe abortions are often the result of the policy and legal barriers that women and girls in the region face when they require safe abortion services, which is a significant contributory factor towards the high levels of maternal mortality in the region. Engaging with the need for safe abortion services as a human right for women and exploring ways in which the policy and legal environment can protect the health, lives, and rights of women and girls is an important area, while ensuring that policies facilitate the provision of comprehensive post-abortion care in all contexts. Laws and policies should enable the realization of SRHR, promote gender equity and equality and contribute towards protecting the dignity, health, and lives of women and girls.

Death related to unsafe abortion contributes significantly to maternal mortality. In Africa, an estimated 3.9 million unsafe abortions among young girls between the ages of 15 and 19 years lead to death. As many as 24% of all pregnancies in southern Africa end in unsafe abortion. Most SADC countries have conceded that the criminalisation of abortion is dysfunctional. Most abortion laws in the block were influenced by the colonisers. The evolution of abortion laws in SADC countries has followed three main phases, namely: the customary law phase; the

colonial phase; and the post-colonial phase. The last three decades have observed a tolerant liberalisation of abortion laws and a growing perception by states of abortion as not only a major public health concern, but also a matter of human rights and social justice. Despite an abundance of rhetoric of commitment to the realisation of equality and reproductive rights for women, the majority of SADC countries have been slow if not averse to liberalising abortion law. Instead, they have held on to their colonial bequest of unduly restrictive and inaccessible abortion regimes at the cost of oppressing women. In response to the protracted conundrum confounding the region, The Southern African Development Community (SADC) put in place a robust policy framework for combating unsafe abortion. Outcome 5 and 10 of the SADC Sexual and Reproductive Health Rights (SRHR) Strategy (2019 - 2030) aims at reducing unsafe abortion and teenage pregnancies and modification of legislation and policies that are an impediment to the realisation of SRHR in the region, respectively. It is imperative that member states commit to provision of adequate healthcare services, liberalisation of abortion law and elimination of harmful socio-cultural practices and attitudes to ensure women and girls freely enjoy their SRHR rights.



INSTITUTIONALISATION OF PRO BONO IN SADC & ENHANCEMENT OF ACCESS TO JUSTICE

A huge milestone has been achieved in our collaboration with the Vance Centre and Bowmans. Bowmans under the leadership of Fatima Laher has pushed to completion the registration of a new NPO as a first step to establish a SADC Pro Bono Institute to be run by SADCLA. A team of partners has already been assembled and met with the Secretariat to plan the next steps. We are excited at the prospect of what this institute could do and the difference it can make in the lives of indigent citizens in SADC.

The background of this initiative is that in 2017, the SADC-LA began a consultative process with NGOs, law societies and, bar associations to establish how lawyers offer pro bono services in the region and how to improve this. It was established that there is a desire and need for pro bono services but that the efforts are fragmented. The stakeholders agreed that a solution would be the creation of a pro bono network whereby the SADC-LA would connect lawyers with NGOs or persons in need. In 2019, the SADC-LA formulated a pro bono committee and established the database to connect lawyers with NGOs and groups of people in need. Covid-19 affected these efforts, and many marginalized people, women, children, and persons with limited financial resources had limited access to justice, and cases and instances of gender-based violence (GBV) and femicide peaked not only in the region but worldwide. There is still a need for the legal profession, law schools, and policy makers to be able to adapt to change to ensure that equal access to justice remains a priority despite acts, situations, and positions encountered.

It is accordingly the duty of the legal profession to promote the culture of pro bono as a way of giving back to society and ensuring legal empowerment of the vulnerable in our societies. We look forward to the establishment of the first regional pro bono clearing house in Southern Africa.

Promotion of Pro Bono under GIZ – The GIZ remains a critical partner of the SADCLA, however, due to changes in the models of funding and internal organisational reforms, there has not been an active grant under the GIZ. That is not to say there has been no collaboration, much of the work that we continue to do under pro bono institutionalisation is a culmination and continuation of the support by GIZ that has been unwavering over the years. Similarly progress made in consolidating the unified engagement of Non State Actors in SADC with SADC is also a result of years of pro-active engagement fostered by the GIZ. We are also happy to announce that the next phase of partnership is officially approved and will commence this year. Presently, Secretariat is working on an information booklet to narrate the progress made by the regional pro bono network.

Presently, core courses in complex commercial transactions remains available online to SADC lawyers and these were sponsored by the GIZ. Some of the rest they cover are:

- Energy, Mining and Electricity
- Oil and Gas
- Infrastructure and construction

DECRIMINALISATION OF SEX WORK RESEARCH

In collaboration with the UNAIDS, SADCLA was able to mount incisive cutting edge research to advocate for the Decriminalisation of Sex work.

This project was commissioned against the background that the SADC region is characterized by existing laws and policies dominantly adopted from the colonial era that criminalizes sex work. Criminalizing voluntary, consensual adult sex work, including a commercial exchange of sexual services is incompatible to the right to health, dignity, personal autonomy, and privacy. Criminalization exposes sex workers to abuse and exploitation by law enforcement officials such as police officers and it is evident that police officers harass sex workers, extort bribes, or even rape or coerce sex from them. This has an effect of driving sex workers into working in unsafe locations to avoid police. Furthermore, it is also clear that criminalization of sex work has had an effect of unwanted pregnancies due to existence of laws that prohibit abortions as well as, a limited access to HIV medication to sex workers which is consequential to the spread of the HIV/AIDS pandemic.

The purpose of the activity was to enable the Southern Africa Development Community Lawyers Association (SADC-LA) to provide regional support to state and non-state actors to effect decriminalization of laws and policies that criminalize sex work in the SADC Region. The support was and continues to be executed through research, advocacy with stakeholders as well as educational workshops to sex workers in the region to promote and protect democracy, the rule of law, good governance, equality and realize the SDG goal of ending AIDS by 2030.

The core objectives of the collaboration included but were not limited to;

- To discuss with governments to amend/ repeal legislation that criminalizes sex work.
- Ensure that sex workers do not face discrimination in law or practice.
- To adopt a strategy for coordinated and inclusive advancement of implementation of AU principles on decriminalization of sex work.
- Conduct regional workshops with Lawyers, & CSO representatives to educate & improve the knowledge of sex workers on their fundamental human rights.
- Identification of existing gaps between policy and implementation on SRHR and create effective solutions.

- Successfully resolve stigmatization of sex workers especially those living with HIV/AIDS.
- To conduct country-based analysis to countries where there is rampant violations of SRHR of sex workers (Malawi, Zimbabwe, Zambia & South Africa).
- To identify existing laws and policies and assess the extent to which they are being implemented.

As a result of the collaboration, the following outcomes were canvassed by the project;

- An enabling legal and policy environment to address inequalities & discriminatory laws.
- Uniform laws and policies addressing the SRHR of sex workers.
- Strengthened health systems that cater for the needs of sex workers without stigmatization.
- Sex- and age-disaggregated data to ensure no one is left behind.
- Increased awareness on SRHR to sex workers.
- Targeted investments in women and girls on Sexual & Reproductive Health Rights
- Changing social norms that limit girls' and women's autonomy and ability to make independent decisions regarding their own bodies.
- Partnerships and greater collaboration across the health, education, gender, population and development sectors on SRHR of sex workers.
- Comprehensive mission & workshop reports.



- SADCLA issues joint statement with PALU and EALS on Judicial interference in select jurisdictions (Uganda, Tanzania, Botswana, Kenya, Burkina Faso)- I have been in touch with other Bar Associations at regional and national level and we are jointly concerned about recent judicial attacks on the independence of Bar Associations. I have shared on Council platforms the statements on some of the attacks, but in essence I have drafted a joint statement to be completed jointly with PALU and East African Bar Association to express the collective concern and legal position of the legal profession in regard to such matters. I attach hereto the draft statement for your attention

The Africa Judges & Jurists Forum
ZOOM WEBINAR
TOPIC
JUDICIAL INDEPENDENCE AND CIVIC SPACE IN SOUTHERN AFRICA



JUSTICE CHARLES HUNGWE
 JUDGE OF APPEAL, SUPREME COURT OF ZIMBABWE AND ACTING HIGH COURT JUDGE, LESOTHO



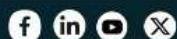
DR MAKANATSA MAKONESE
 AMERICAN BAR ASSOCIATION RULE OF LAW INITIATIVE'S COUNTRY REPRESENTATIVE IN ANGOLA



DR PAUL MULINDWA
 ADVOCACY AND CAMPAIGNS LEAD FOR AFRICA WITH CIVICUS

7th MARCH 2024
1400HRS-1530HRS (SAST)

OUR PARTNERS



www.africajurists.org

SADCLA continues to actively pursue and collaborate in advocacy to promotion independence of the Judiciary and the Legal Profession as evidence by our jointly organised webinar with Southern Defenders and CIVICUS held in March 2024.

COLLABORATION WITH THE SOUTHERN DEFENDERS, GENERAL COUNSEL OF THE BAR SOUTH AFRICA CENTRE FOR HUMAN RIGHT UNIVERSITY OF PRETORIA

The named organisations have been in discussion with SADC-LA and the LSSA through ongoing interaction with a proposal to collaborate. The specific area is in commissioning public interest litigation and advocacy to advance the restoration of the SADC Tribunal.

Fortunately both institutions are led by counsel who were instrumental in submitting the arguments on behalf of the LSSA challenge against the South African government which resulted in the declaration of SA's consent to the disbandment of the SADC Tribunal as being unconstitutional. At the same time, these organisation are also collaborating with SADCLA to continue advocacy on Eswatini's constitutional crisis and bring awareness on it at regional level. To this end the ES will be participated in submission advocacy and drafting capacity building to prepare for advanced in house development of submissions to the various courts and to guide selected law societies to participate in the public interest litigation. This will also boost that SADCLA Pro bono clearing house and build in house capacity to bolster cases for indigent citizens.

- Time and resources allowing, it is also hoped that one or more lawyers in the Secretariat, and pro bono network can be capacitated as well in the coming year through existing advocacy training programmes under various Bar Associations in South Africa. This will help SADC-LA to save funds and increase its capacity to roll out the public interest litigation program in other SADC countries and continental fora. This is also part of outcomes from intense strategy discussions on the occasion of the Thulani Maseko Memorial where it was resolved that each stakeholder in the Human rights and Rule of Law Sector would take action based on its line of expertise to advance greater accountability for human rights violations in the region. LSSA is directly Supporting this project and the ES is working with the CEO of the LSSA.

- The capacity building of staff is also critical for the onset of the SADC Pro Bono Institute that will be supported by Bowmans.

5.3. Regional Economic Integration

REGIONAL SEAT FOR INTERNATIONAL COMMERCIAL ARBITRATION - FORMATION OF THE AFSA SADC ALLIANCE.



Your Executive committee working closely with Secretariat has continued to push forward with solidifying the resolution to institutionalise the practice of alternative dispute resolution in the Southern African Region. SADCLA has provided leadership to take critical steps that you may already have heard of. It encouraging that law societies in SADC have also responded decisively with Malawi and Zambia having already established international arbitration centres respectively. One of the key highlights of 2024 was the formation of the AFSA SADC Alliance under the existing partnership and MOU between SADCLA and AFSA. The purpose of this ALLIANCE CHARTER is to establish a member network of institutions committed to excellence in provision of the best process for private dispute resolution at domestic and regional levels in Southern Africa, and internationally, based on the AFSA Rules applicable to resolution of international disputes. The charter defines the framework within which collaborative activities will be undertaken between the AFSA SADC Division, the Bar Associations of Southern Africa and other ALLIANCE partners as may be agreed. It outlines the vision, mission, principles and working priorities of the network.

The Alliance launch was the main event at the 2024 Johannesburg Arbitration week in the opening session co-hosted by SADCLA and AFSA on the 9th of April 2024, Sandton, South Africa. All in all, 11 Law Societies appended their signature to the Alliance Charter, marking the dawn of a new era in the world of international commercial arbitration that sets SADC a cut above the rest on the African continent in aligning the legal framework and standards of practice in international commercial arbitration.

The AFSA ALLIANCE is a Southern Africa based network of like-minded institutions committed to the development of a shared arbitration framework and advancement of the practice of international arbitration in SADC. Its members are active national, regional and international organizations and individuals, which work together on the transformation of the way in which dispute resolution is administered. It stems from an agreement signed between the SADC-LA and AFSA in 2019 followed by a resolution of the network of SADC Bar Associations and AFSA under the AFSA SADC Division in 2021 to establish a Southern African Alliance with a roadmap for the establishment and operationalisation of a regional seat for international commercial arbitration in SADC. The President of the LPC also took the occasion to host a high level luncheon for visiting dignitaries, government leaders and Bar Leaders from the SADC Region. She emphasised the need for close collaboration in the SADC region and for the legal profession to unite in providing leadership to the SADC region in the fight for market share in the Africa Continental Free Trade Area.

The objectives of this ALLIANCE are to facilitate collaboration by the Parties as follows:

- To become a leading network of institutions committed to excellence in providing fair and reliable systems to resolve disputes privately, to build panels of mediators, conciliators, and arbitrators and to train and develop arbitrators and mediators in Southern Africa and beyond.
- To become a regional and international leader in provision of fast, transparent, and affordable services in international arbitration.
- To transform the way in which the domestic, regional, and international business sector handles and processes disputes in Southern

Africa.

- To foster domestication and ratification of international standards in arbitration by Southern African countries so that they will meet the stringent criteria which justify their status as recognized seats or venues for the resolution of disputes.
- To promote review and reform of domestic arbitration law for, harmonization, alignment, and consistency with international standards
- Co-hosting of seminars, conferences, and events to promote international commercial arbitration and alternative dispute resolution as well as dissemination of related information to mutual partners.
- Compilation of an easily accessible database of arbitration laws, institutions, and resources in Southern Africa.
- Collaboration in promoting the participation of young lawyers and female lawyers in professional arbitration.

The ambition of the partners is encapsulated in the vision of the Alliance, namely to create a standardized and harmonized framework for administered arbitration to be available and operative throughout the SADC region, and thus constitute Southern Africa as a destination of choice for parties seeking services in international commercial arbitration.

As part of its mission, the Alliance seeks to promote and facilitate cooperation in the field of international commercial arbitration in furtherance of the Alliance vision; In particular

- At an international level – by providing a welcoming seat or venue and thereby promoting international trade, business, and investment through dealing quickly and fairly with commercial disputes;
- At a regional level – by providing a shared dispute resolution mechanism for intra-regional trade and commerce;
- at a local level – by providing an expedited and cost-effective means for the settlement of business disputes and thereby facilitating access to justice, and thus create a firm foundation for each SADC Member State and Alliance member to develop and expand its own identity as an arbitral seat internationally, regionally, and domestically.

The international arbitration community present gave some very positive feedback and has challenged SADC not to drop the ball against such an auspicious launch and immense progress. While there is still a long way to realize the goal, the critical steps have been taken, the partnerships at hand have what it takes to deliver. I therefore call upon all our Bar Leaders to unite and work hand in glove towards the realization of the first ever regional seat for international commercial arbitration. This will no doubt benefit our economies and grow the business potential and skills of individual lawyers and law firms.

The following Bar Leaders represented their respective Bar Association and Law Societies as signatories to the ALLIANCE CHARTER

- i. Dr Flavio Menete, SADCLA President
- ii. Advocate Micheal Kuper SC, AFSA Chairman
- iii. Des Williams, AFSA SADC Division Chairman
- iv. Patrick Lane SC AFSA International Chairman
- v. Dr. José Luís Domingos, President of the Angola Bar Association (Ordem Advogados de Angola - OAA)

- vi. Mr. Osego Garebamono, President Law Society of Botswana
 - vii. Advocate Lintle Thuke, President of the Law Society of Lesotho
 - viii. Mr Patrick Gray Mpaka, President of the Malawi Law Society
 - ix. Miguel Mussequejua, Representing Dr Carlos Martins, President of the Mozambique Bar Association (Ordem dos Advogados de Mocambique - OAM)
 - x. Clive Kavendjii - President Law Society of Namibia
 - xi. Janine Meyburgh, Chair of the Legal Practice Council of South Africa.
 - xii. James Banda, Past President of SADCLA representing Lungisani Zulu, the President of Law Association of Zambia
 - xiii. Rumbidzai Matambo, President Law Society of Zimbabwe.
- ENDORSEMENT IN ABSENTIA
- xiv. Law Society of Swaziland (Eswatini) - Mr Mangaliso Magagula, President
 - xv. Law Society of Tanganyika (Tanzania) - Dr Harold Singusia, President

SADC BAR PRESIDENTS – SIGNATORIES TO THE AFSA SADC ALLIANCE CHARTER



SADC BAR PRESIDENTS – SIGNATORIES TO THE AFSA SADC ALLIANCE CHARTER



GOVERNMENT LEADERS ENDORSE THE AFSA SADC ALLIANCE AND THE ALLIANCE CHARTER



R-L: The Minister of Justice for Malawi, Hon Titus Mvalo was a guest speaker together with the Minister of Justice of Lesotho, Hon Richard Ramoetsi who was accompanied by his Attorney General.

Pictured above are the Ministers of Justice from Malawi and Lesotho respectively. The Deputy Minister of Justice of Zimbabwe, Hon. Nobert Mazungunye also represented the government of Zimbabwe and all were unanimous in endorsing the Alliance and its purpose. Pledging cooperation and inviting lawyers in the respective SADC Member states to take the initiative to institutionalise the practice of arbitration in SADC.



The SADCLA Moot team in action at the Johannesburg Arbitration Week.



Alongside the launch of the ALLIANCE CHARTER, a moot competition was held amongst teams of young lawyers from the SADC region. SADCLA is proud to have been represented by non other than

- Nakasamba Banda – Zambia
- Charles Mhone – Malawi
- Muleba Chitupila – Zambia
- Nyasha Munyuru – Zimbabwe
- Lesego Bolowe – Botswana
- Dimetrio Manjate – Mozambique

The team represented SADC with distinction and we congratulate them for their hard work and preparation. The panel of judges for the moot team was joined by SADCLA Past President, James Banda and AFSA SADC Committee member, Susan Mutangadura.

CONSOLIDATING THE LEGAL PROFESSION'S STRATEGY TO PROMOTE LIBERALISATION OF TRADE IN LEGAL SERVICES

Our Secretariat has worked on a concept and draft program for a regional engagement of Law Societies to consult and facilitate discourse on SADC and AfCFTA negotiations towards a regional instrument to facilitate mobility of legal services. The SADCLA President and CEO also attended and continue to participate in the SADC workshops to come up with a strategy for trade in services in pursuit of implementation of the SADC Protocol on Trade in Services.

In its AGM in 2019, the SADC-LA interrogated the case for liberalization of trade in legal services across the region. This is in line with the stated objectives of the SADC-LA in its constitution which among other key objectives include;

- Encourage the harmonization of the legal systems of the Region and lawyer mobility within the region;
- Facilitate and increase the flow of professional information between Law Societies and Bar Associations of the Region on developments relevant to the organisation and servicing of the legal profession.
- Provide support for members, Law Societies, Bar Associations, individual lawyers and other appropriate organisations and legal professional associations concerned with matters of common interest: and,
- Generally, to do all that is necessary to further the interests of the legal profession throughout the Region with a view to improving access to affordable legal services available to and provided for the public;

The resolution was also in response to the prioritization of regional economic integration by the SADC Summit of Heads of States and Government.

In order to achieve this, the 2019 AGM constituted and appointed a five-member committee with the mandate to draft a regional framework to regulate trade in cross border services. Working with the SADC-LA Secretariat, the committee has since

designed and commissioned a survey questionnaire to assess the unique regulatory regimes of each SADC country in relation to recognition of foreign qualifications and potential for reciprocity. SADC-LA has also conducted a comparative analysis on the regulation of cross border legal services and comparisons have been drawn with the East African Community legal profession's proposal to adopt best practices.

Further to the resolution at the AGM in 2019, the SADC-LA Council in its meeting of March 2020 in Luanda, Angola, re-affirmed the position to forge ahead with drafting an instrument to facilitate cross border practice in legal services.

Subsequent to this, in the April of 2023, the SADC Secretariat, through the Industrial Development and Trade Directorate approached the SADC-LA and the Law Societies of the region to participate in the Regional workshop on Developing Mutual Recognition Agreements (MRAs) for Professional Services. SADC-LA Facilitated the dissemination of questionnaire and participation of Law Societies in the process. In Dec 2023, the Trade Negotiation Forum (TNF) finalised the draft Guidelines for developing sectoral MRAs and recommended the adoption thereof by Ministers of Trade at their meeting to be held in June 2024.

In the year 2024, the Law Societies of the SADC Region have been invited to constitute a technical committee to negotiate with regulators in the SADC region to come to a mutually acceptable approach to liberalization of trade in legal services across the SADC region, within two years, as per agreement under the AfTCA. The technical team is to negotiate how to liberalize cross-border legal services in the SADC region with regulators of other SADC member states. Recognition of legal academic degree and enrolment of legal practitioners from one state by other states will be considered, as well as mutual limitation of access or practice by foreign legal practitioners in certain fields or joint practice with local practitioners in certain legal fields or provision of legal service in certain legal fields.

It will be essential for each of the Law Societies, Bar Associations and/or Regulatory Bodies of the Legal Profession in SADC Member States to constitute local committees and conduct national consultations and research to determine each country's position on all the above outlined aspects. However, it is critical to organize a regional convening platform for convergence of ideas and exchange of perspectives. This will help each Law Society, Bar Association and/or Regulatory Body to arrive at findings informed by reciprocal considerations at regional level. This will help to consolidate areas of convergence and facilitate due assessment in areas where gaps may exist. The SADCLA will facilitate the engagement of a regional consultative platform using mutual legal recognition tools and provisions from other jurisdictions that have commenced or achieved reciprocity and liberalization of trade in legal services. Lessons learnt from and guidelines developed from the SADC Process of developing Mutual Legal Agreement for Recognition of a common platform will also help in mutual achievement of targeted outcomes in the given timeframe. The SADCLA convened platform will also bring key stakeholders from SADC, AfCFTA and other institutes to provide clarity and further guidance as may be required to Law Societies.

SADC-LA therefore invites all representatives of Law Societies, Bar Associations and Regulatory bodies to a regional consultative meeting to discuss the key scope of negotiated aspects for reciprocity and liberalization of trade in legal services towards the AfCFTA. It is critical that all members be apprised of the progress made by the SADCLA committee on Liberalisation of Trade and Regional Integration and make input to the development process of a common regime to facilitate implementation of the AfCFTA.

SADCLA PARTICIPATES IN THE ESTABLISHMENT AND OPERATIONALIZATION OF THE SADC NON-STATE ACTORS' FORUM

The SADCLA is also part of a select host of regional apex NGOs that has been engaged by SADC to establish and operationalize the SADC Non-State Actors Engagement Mechanism. The SADCLA CEO is representing SADC LA in this process, and it builds on the efforts to enter into an MOU or some form of

cooperation framework with SADC. In this regard, your Exco is very cognisant of the need to ensure that SADCLA contributes to the development of the region, the SADC agenda and regional integration.

The SADC Treaty, the RISDP, and other key SADC instruments such as Protocols and Declarations, recognise Non-State Actors (NSAs)¹⁰ as important partners in the implementation of the SADC Regional integration agenda. These guiding documents also acknowledge the need to formalize the interaction between SADC structures and NSAs.

The background to the process emanates with the fact that the SADC Council of Ministers formally acknowledged the need to better involve NSAs with their approval of the SADC NSA Engagement Mechanism (hereinafter, Mechanism) in August 2022. As indicated in the approved proposal, the specific objectives of the Mechanism are to:

- Take SADC to the people.
- Provide for SADC and NSAs to consultatively work towards realizing SADC's priorities and ensuring a people-centred regional integration process.
- Enhance and strengthen partnerships between SADC and NSAs.
- Provide a structured framework for consultation between SADC and NSAs in regional integration processes.
- Provide an enabling environment for NSAs to participate in SADC processes and discussions.
- Enhance coordination and harmonization of positions by NSA in SADC processes.
- Strengthen the capacity of NSAs and other interest groups to more effectively and meaningfully engage in SADC processes.
- Establish clear and effective communication mechanisms between SADC organs and NSAs.

The proposal for the Mechanism recommended that SADC Secretariat take specific steps to operationalise the mechanism. These steps include:

1. Establishment of an NSA Forum as a structure of SADC.
2. Creation of an NSA Liaison Office at the SADC Secretariat.
3. Accreditation of NSAs to formally participate in SADC processes.
4. Monitoring and evaluation of the NSA Engagement Mechanism.

The SADC Council of Ministers, at their meeting in March 2024, approved the Draft Accreditation Guidelines for NSA Engagement with SADC. The development of these guidelines involved informal consultations with select NSAs operating at regional level. The March 2024 Council further directed the SADC Secretariat to commence piloting the implementation of SADC Mechanism for Engagement with Non-State Actors, and requested it to report on the progress in August 2024.

The SADC Secretariat, however, recognises that the effective and timely operationalisation of the remaining components of the Mechanism requires significant interaction and consultation with NSAs. To ensure regular engagement with NSAs, the SADC Secretariat is convened a Technical Working Group (TWG) of representatives of NSAs working at regional level. The SADCLA CEO will be part of the contingent providing expert leadership in presenting the tools for operationalization of the NSA Mechanism at the upcoming SADC Summit of Heads of States and Government in August in Harare, Zimbabwe

5.4. Membership, Network Engagement & Capacity Development

HOSTING OF LESOTHO LAW SOCIETY

The SADCLA Secretariat successfully hosted and organised meetings on behalf of the LSLs with the LSSA, Swiss Embassy and Legal Practice Council on 1 and 2 February 2024. The Law Society of Lesotho is embarking on an effort to institutionalise its secretariat, and this was part of SADCLA's support to member institutions for professional advancement. At the same time, they were recipients of support from the Swiss embassy in the Lesotho constitution making process and in drafting a new Law Society Act. I am happy that the Ambassador and Deputy Ambassador of Switzerland to South Africa committed to cooperating with SADCLA in implementing access to justice advocacy in the region.



SADC LAWYERS ASSOCIATION REGIONAL INTERNATIONAL COMMERCIAL ARBITRATION TRAINING CRESTA LODGE, MSASA, HARARE 4-5 DECEMBER 2023



SADCLA also conducted a regional symposium on international commercial arbitration with the African Development bank under the African Legal Support Facility. The Law Society of Zimbabwe co-hosted this event in Harare on 4 and 5 December 2023. The training was held at the Cresta Lodge, Msasa. The Law Society of Zimbabwe hosted the delegation of the regional trainers as hosting law society but the partnership included the African Development Bank through the African Legal Support Facility and the International Senior Lawyers Program. The training attracted a total of 46 participants from across the SADC Region.

The facilitator/ trainers that dedicated their time and experience to the success of the training coming up with a greatly informative and interactive training were,

1. Justice Abha Patel, SC FCI Arb (U.K) , Zambia
2. Paulman Chungu FCI Arb (U.K), Zambia
3. Roger Wakefield, Werksmans, South Africa
4. Charles Mhone MCI Arb (U.K), Malawi
5. Susan Mutangadura MCI Arb (U.K) ArbP (Swiss), Zimbabwe
6. Wellington Magaya MCI Arb (U.K)
7. Michael Ostrove, DLA Piper, Paris (virtual)
8. Laurie Achtouk-Spivak Partner, Cleary Gottlieb, Paris (virtual)
9. Zeineb Bouraoui Associate, Cleary Gottlieb, Paris (virtual)
10. N Robert Musa Phiri (Program director/coordinator)
11. Manuela Dienga, ALSF partner
12. Cesar Vamos Ver, ALSF partner
13. Maxine Nkomo, SADC Lawyers Association representatives



Registration:
SADCLAWYERS@GMAIL.COM
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SADC LAWYERS ASSOCIATION INTERNATIONAL COMMERCIAL ARBITRATION TRAINING



PAULMAN CHUNGU FCIArb (UK)
 PARTNER, RANCHHOD
 CHUNGU, ZAMBIA



SUSAN MUTANGADURA
 MCIArb (UK)
 Arb P (Swiss)
 ARBITRATOR



HON. JUSTICE ABHA PATEL, SC
 FCIArb (UK)
 JUDGE OF THE COURT OF
 APPEAL, ZAMBIA



ROGER WAKEFIELD
 DIRECTOR, WERKSMANS,
 SOUTH AFRICA



**CHARLES MARTIN
 MHONE** MCIArb (UK)
 MANAGING PARTNER, MAXSON
 ARNOLD & ASSOCIATES (MALAWI)



RUDO MAGUNDANI
 PARTNER, SCANLEN &
 HOLDERNESS

CRESTA HOTEL, HARARE, ZIMBABWE

DEC | **4&5** | **2023**



Core topics of discussion centred around, **International Commercial Arbitration as a Solution to Transnational Disputes Resolution, Procedure in International Arbitration, Evidence in International Commercial Arbitration up to the award.**

This was followed by SADC LA and AFSA's presentation to the Law Society of Zimbabwe Summer School on 9 November 2023. During which week meetings were held with the leadership of the Law Society of Zimbabwe and it was agreed to commence roll out of the process to establish an international commercial arbitration centre in Harare.

I would also like to report that the ES has successfully completed the Advanced Certificate qualification in International Commercial Arbitration Law on a scholarship granted by AFSA to help us in administering the regional seat and centres. This was done with distinction.

SADCLA MAKES PROGRESS TOWARDS ESTABLISHMENT OF A REGIONAL FACILITY FOR CLIMATE JUSTICE AND READINESS CAPACITY BUILDING FOR SADC MEMBER STATES

SADCLA seeks to facilitate collaboration between SADC Governments and the private sector to remove policy and law based barriers to reporting/accountability and implementation of critical projects to meet goals for decarbonisation, environmental sustainability, facilitate climate justice/ just transition and related financing targets. To give due and proper effect to this project, SADCLA has established a Regional Working Group on Climate Change and Sustainability (RWG-CCS) chaired by the President of the Law Association of Zambia who is climate change policy champion in his own right. The Regional Working Group draws from regional legal experts and practitioners in the area of climate change from civic society, law practice technical advisory services, private sector, state parties of SADC and academia/research experts among others.

The SADCLA has partnered with identified Implementing Entities of the Green Climate Fund to collaborate in providing technical legal backstopping to SADC Member States in order to facilitate access to finance and investment under the Green Climate Fund (GCF). This is against the background that there is little to no utilisation of the GCF as a result of regulatory bottlenecks and inconsistencies that make it difficult to implement projects and investments in the Southern African Region. The SADCLA has been active in promoting policy and regulatory harmonisation in the SADC Region. Working with key stakeholders to reduce the gap between policy and its implantation. This stems from SADCLA's cooperation with the core structures and processes that advance the development agenda of the SADC region. As the umbrella body of the legal profession and Bar Associations of the SADC Region, SADCLA has institutional presence in each member states. Most Bar Association are charged with cooperating with Parliament and the Law development Commission in harmonising domestic laws in order to advance regional economic integration.

Three critical areas have been identified in regard to capacitating governments to access the Green Climate Fund (GCF) finance to enhance the Readiness aspect as follows;

- Harmonisation and alignment of Regulatory Environment of SADC Countries
- Standardisation of Privileges and Immunities in Agreements for SADC Countries Trying to Access finance from the Green Climate Fund (GCF).
- Just Transition Facilitation and Promotion

It is important to point out that key players in the private sector and multilateral institutions charged with administering climate finance are unable to meet annual targets for disbursement due to regulatory bottlenecks in the above identified areas while citizens of SADC lose livelihoods. A key outcome in all the efforts to develop and harmonise legal and policy frameworks and remove existential barriers to project implementation is the establishment of global accountability mechanisms. This entails in built monitoring and evaluation that fosters iterative learning, motivation and incentive for member state compliance using commitments made in regional agreements, protocols, treaties, policies and strategies. One key structure to make this possible is the advanced work to establish SADC National committees (SNCs). Not only do the SNC's foster broad based participation in the implementation of regional policies and laws but they are critical infrastructure to align national development priorities to regional and international objectives. SADCLA is at the centre of the project to establish and operationalise these entities as a technical legal consultant to SADC and the relevant International Cooperating Partners (ICPs). One of the key. duties of the ICPs is to monitor and report on national compliance with international and regional obligations.

SADCLA CONTINUES TO CONTRIBUTE TOWARDS ENHANCEMENT OF GENDER PARITY IN SOUTHERN AFRICA - WOZA AWARDS PROMOTION

SADCLA appreciates the effort of the convenors of the Women in Law Awards led by Rehana Khan. The increased and visible involvement of Women Lawyers in the SADC region is a true testament to the power of the awards as a tool to ferret out corners of ancient and archaic male dominance in the legal profession. Placing gender championship not only in the hands of female lawyers but male champions for change. To that end we congratulate various men and women who have hitherto earned the well-deserved recognition under the WOZA Awards. It is the commitment of SADCLA to ensure that all countries in the region participate and contribute to the success of these awards at regional level and beyond.

The SADCLA President had this to say, "It is with profound joy and gratitude that I congratulate WOZA and its firebrand team under the leadership of Rehana Khan for breaking the boundaries of female participation and recognition. I deliberately do so with gratitude because this message congratulates the winners of the Awards. This makes us realize that there are living champions amongst us who live the promise of greatness in potential held by all women, but sadly the world rarely gives a chance to discover. We are grateful for and thank these strong women for lighting the path and giving hope to all other women and men supportive to gender equity. The legal profession remains one of the professional spaces in which females are excluded from leadership and change can only be achieved through targeted interventions. SADCLA's mission is to promote human rights and rule of law without fear or favor. Until all persons are equal the quest for rule of law and a prosperous society remains a mirage. So we thank WOZA for uniting us under this cause and the women we celebrate today for giving us the cause."

SADCLA CEO ATTENDS AFRICAN UNION TRAINING

From 6 to 8 November 2024, the SADCLA CEO attended a capacity building training under

the AU in Addis Ababa, Ethiopia. The training is premised on the finding that while there is visible progress made by the AU in the establishment of norms, institutions, tools and frameworks, operationalization and implementation remain major issues. The understanding and application of such instruments, norms, tools, institutions and mechanisms by policy makers and other stakeholders play critical role in strengthening the delivery of AU's mandate. With increasing expectations from various stakeholders on effective delivery by the AU of its mandate, it has also become important for both African policy makers and the wider African public to understand the AU, its institutions, the reform efforts and the policy-making dynamics and processes vis-à-vis regional integration, peace and security and good governance, democracy and human rights.

The training aimed to achieve the following objectives;

1. Equipping participants with the knowledge and understanding of how the AU functions and about the decision-making processes and dynamics of AU;
2. Identifying the factors and forces that shape the current trends and dynamics in policy development, institutional changes/reforms and AU's role in various areas of its mandate;
3. Deepening practical knowledge and insights into the role of various AU actors including the AU Commission, AU organs and member states with respect to the AU governance and peace and security agenda;
4. Facilitating reflection on available avenues for CSOs to effectively engage with the AU policy and decision-making processes to deepen the partnership.

The course ran for a period of three days and it provided participants with the latest sources of analysis and information on the AU and avails insights on the themes covered in the course through lectures, panel discussions and exchange.

The training itself was facilitated by various senior experts that possess a wealth of knowledge and experience engaging the AU. The overall facilitation will be conducted by the course director Professor Tim Murithi, Head of Programme at the Institute for Justice and Reconciliation.

The event traditionally targets representatives of Africa based civil society organizations (working on AU matters), media practitioners (covering the AU), diplomats accredited to the AU, AU staff, representatives of international organizations and others working on issues related to the African Union. Priority is accorded to African based civil society organizations including youth and women led organizations working on African Union related issues and diplomats and AU staff as well as representatives of RECs/RMs accredited to the AU. It was critical for ADCLA's leadership to be acquainted with the structures and processes of the AU as part and parcel of enhancing engagement and cooperation.

5.5. Advocacy and Communication

COOPERATION BETWEEN SADC AND SADC LAWYERS ASSOCIATION & SADC

During the SADCLA` 2023 ACGM in Angola, it was reported that on 13 September 2023 the SADCLA President Mrs V. Nyemba Botswana led a delegation of the SADCLA Exco accompanied by the SADCL A Executive Secretary, Mr Stanley Nyamanhindi to meet with the SADC Executive Secretary, Dr Elias Makgosi. One of the key outcomes of the meeting was the agreement to conclude an MOU to facilitate cooperation between SADCLA and the SADC Secretariat in mutual assistance on legal matters. Introduction of SADCLA Leadership. Secretariat is pleased to announce that the drafting of the MOU has commenced through an appointed technical team. The SADCLA is represented by the Executive Secretary, whilst the Head of the Legal Directorate of SADC represents the SADC Secretariat. The MOU comes with a project implementation workplan and outlines core areas of cooperation as follows;

Establishment and operationalisation of a Regional Access to Justice Facility

SADCLA to cooperate with SADC to Institutionalise pro bono in the region under a network of lawyers that brings together Bar Associations, paralegal networks, legal aid departments, court registries, University Law School legal aid clinics and grass roots/community-based NGOs amongst other key stakeholders to increase access to affordable legal representation for poor people in SADC.

General legal empowerment of the poor is closely linked with review, reform and repeal of laws that criminalise poverty and status.

Climate Change and Environmental Sustainability

SADCLA is working in collaboration with the Development Bank of Southern Africa (DBSA) to facilitate collaboration between SADC Governments and the private sector to reduce/eliminate policy and law-based barriers to reporting/accountability and implementation of critical projects to meet goals for decarbonisation, environmental sustainability, facilitate climate justice/ just transition and related financing targets.

Global climate change response and finance follows the classification around adaptability, resilience and readiness in general. SADCLA is working specifically on the Readiness aspect. Three critical areas have been identified in regard to capacitating governments to access the Green Climate Fund (GCF) finance to enhance the Readiness aspect as follows;

- Harmonisation and alignment of Regulatory Environment of SADC Countries
- Standardisation of Privileges and Immunities in Agreements for SADC Countries Trying to Access finance from the Green Climate Fund (GCF).
- Just Transition Facilitation and Promotion

Ratification, Domestication and Implementation of SADC Treaties, Protocols, Policies, Strategies and Plans

SADCLA to facilitate Harmonisation and alignment in key areas

Gender Equality - Reduce Gender Based Violence, promote Women's political participation, enhance protection of women human rights defenders, Sexual Reproductive Health Rights (SRHR), generally to promote gender equality and access to justice for women. This involves targeting regional instruments such as the SADC Gender Protocol.

Liberalisation of Trade in Services - SADC Trade in Services Protocol and Africa Continental Free Trade Area - SADCLA to facilitate drafting of a legal instrument to ensure liberalisation of trade in legal services under a Mutual Legal Agreement and attend to the legal aspects of MLAs for cross border mobility of services.

Anti-corruption Protocol - SADCLA to assist with Judicial cooperation and legal assistance.

The Establishment and Operationalisation of SADC National Committees (SNCs) as part of the implementation of the SADC treaty and the infrastructure it has provided to facilitate implementation of the SADC Treaty itself as well as other treaties and protocols.

Reinforcement activities - Overall, the activities reinforce the above areas will include training, specialised drafting services, relevant advocacy and agreed instances of public interest litigation to advance agreed points of law that need judicial elaboration in the spirit of implementing regional protocols and treaties.

Inclusion of Other Protocols and Treaties - Other protocols and treaties not outlined in this MOU may be considered for targeted harmonisation, alignment and relevant advocacy as may be agreed by the Parties.

Use of alternative Dispute Resolution (ADR) to build resilient communities, facilitate efficient and transparent access to justice, and resolution of conflict in the region. This will take the form of:

- Establishment and Operationalisation of a Regional Seat for International Commercial Arbitration and,
- Cooperation and technical legal support in the establishment and deployment of Infrastructures for Peace (I4Ps). With the use of mediation, negotiation, and arbitration to diffuse situations of conflict in the region.

Independence of the Judiciary

SADC Tribunal Advocacy and Engagement – SADCLA will facilitate technical legal support and input for the consideration and assistance of the SADC Secretariat in developing appropriate legal frameworks and implementation for establishment of an apex regional court as required.

Regional Bar - Bench Colloquium
Regional Bar – MOJ and AGs Symposium

Electoral Processes and Electoral Justice – SADCLA has in the past cooperated with the SADC Electoral Advisory Council (SEAC) and SADC Electoral Observation Mission (SEOM) to provide technical legal support and participate in dissemination of electoral legal and structural frameworks at regional level and to define standards on electoral processes and justice to the legal sector on behalf of the SEAC and SEOM. This is critical to promote and continue. (Madagascar 2018 and South Africa 2019)

Research and knowledge generation – SADCLA will assist SADC Secretariat to produce cutting edge research on legal matters and disseminate these to key stakeholders in the Region. The long-term establishment of a regional centre of excellence to build knowledge steeped to the objectives and beliefs of the founding members of SADC is key to this aspiration. Once the drafting is completed, a meeting of the principals will be convened to determine conclusion, execution and the way forward.

In general, the cooperation will canvass areas in the SADC Regional Indicative Strategic Development Plan (RISDP) and the role of the legal profession in supporting its implementation.



5.6. Organisational Development

SADCLA ADOPTS NEW FORMAT FOR THE ACGM 2024 AGM AND BME



In the spirit of inclusivity and diversity, your Council has listened to requests to accommodate core pillars of specialisation in the legal profession. As a result the idea to host a Business Mission Exhibition as part of the ACGM. This segment of the ACGM caters for the corporate lawyers and players in the commercial field. However, its spirit and intent go beyond lawyering to creating a market place for industrial development amongst stakeholder in law, business and commerce. The first of these was held successfully in Angola and the event will continue to be streamlined and tailored to suit the needs of the profession. In establishing the BME for Law Trade and Commerce (BME-LTC) our mission is to accelerate business development potential through an impact platform that delivers globally competitive growth and value for law and commerce sector players in Southern Africa.

The SADCLA Business Exhibition Mission for Law and Commerce is an impact platform designed in response to demand for greater collaboration and synergy between business and law in the SADC region. The establishment and operationalization of the 3 trillion-dollar Africa Continental Free Trade Area demands deliberate and structured efforts to bring to the fore the role of the legal services sector in providing the key pillars for trade and commerce. It is a tailor-made solution and strategic thought leadership platform that brings to the fore transboundary solution for the futuristic looking business and law firm based on a common passion for prosperity in trade and commerce in the SADC Region.

With institutional membership and presence in all the 16 SADC member states, SADC LA has the perfect convening capacity to unite major stakeholders in law and business to unlock the technical barriers to trade and commerce in Southern Africa. The ultimate goal is to contribute to the establishment of SADC as a preferred destination for doing business with globally competitive ease and increase the share of our region's GDP in the AfCFTA, world trade as well as Africa's overall growth.

This is a platform where organic Southern African Business and Legal service powerhouse providers can meet to develop solutions tailored to their unique challenges and to enhance the effectiveness of working business relationships through common understanding. Our comprehensive conference programme with inspirational keynotes, practical workshops and interactive roundtable discussions will provide delegates with fresh insights into current business challenges, emerging opportunities and game-changing technology, best practices and innovations – helping you to stay ahead of the curve and thrive in the years ahead. It will give your firm a unique voice to shape the development of the legal market place for business and commerce in Southern Africa.



The most important thing is that the BME will not focus only on Southern African Players but provide a launch pad into the global trade and commerce arena by convening both state and non-state actors across the African Continent and beyond. The exhibition allows you to explore a large showcase of market-leading business suppliers and service providers from Southern Africa- a fantastic opportunity to identify new products and services that will help to improve your systems and processes and reduce costs.

CLIMATE CHANGE AND SUSTAINABILITY COMMITTEE

The committee continues to meet under the Chairmanship of LAZ President, Lungisani Zulu. The other members of this hard pressing and hitherto innovative committee are;

- Vincia Cloete (Council representative of Law Society of Namibia and SADCLA Exco Treasurer)
- Nthathi Pheko – (Former Council representative of Law Society of Lesotho)
- Flavio Menete – (Council representative of the Mozambican Bar Association and president of SADCLA Council)

This committee met with the DBSA in its South Africa, Midrand offices on 15 May 2023 and it was agreed in principle to collaborate to facilitate a harmonised regulatory environment to enable investment in the readiness aspect of the Green Climate Fund. To this end, the SADCLA Secretariat submitted the proposal to work with the SADC Secretariat and SADC Member States. The MOU for cooperation on legal matters between SADC LA and SADC also includes a detailed workplan on how to implement the regional project facility on climate change readiness regulatory framework harmonisation.

Once launched, the committee published a press release through which SADCLA has been able to obtain new partners for the climate justice initiative in SADC. In the press release the SADCLA announced that it had resolved to take proactive measures to address the risk posed by changes to the earth's climate driven by increased human emissions of heattrapping greenhouse gases which are already having widespread negative effects on the environment in general and the lives of the people in the Southern African region. Announcing the position, SADCLA President Mrs Vimbai Nyemba, stated "the Southern African legal community has identified climate change as posing far more serious risk requiring proactive steps by the profession to add its voice. The region has been experiencing long duration droughts, heat waves, floods and storms among other negative effects of climate change, with detrimental consequences on the lives and livelihoods of its people. As we have done and continue doing on the rule of law, democratization

and in the fight for rights and liberties of citizens, we are convicted to take leadership in finding solutions to this existential challenge posed by climate change".

SADCLA has accordingly constituted the Climate Change and Sustainability Committee headed by Lungisani Zulu, President of the Law Association of Zambia, to spearhead its climate change response, build the capacity of its members of the legal profession in the region and to support region's Governments in the climate change agenda.

The membership of the SADCLA is drawn from bar associations and lawyers from the Southern African regional economic community comprising 16 member States of Angola, Botswana, Comoros, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia and Zimbabwe.

The Sustainability committee's initiative also looks into the issue of institutional sustainability and solvency. The committee has set out to do this through two main means.

The first is to work more closely with Law Societies and promote value addition proposition to them and their members. This has led to increased participation and payment of subscriptions by Law Societies. As a result of the committee's intervention the organisational sustainability has been strongest in 2024 as compared to any other year. For instance SADCLA's institutional costs were most covered by member originated funds as opposed to donor funds.

The committee has also promoted SADC LA institutionalisation by way of engaging new partnerships and commissioning new project initiatives. The most prominent of these has been the Climate Change and Sustainability initiative.

SADCLA GOING TOWARDS NEW AND MORE ROBUST FIVE YEAR STRATEGIC PLAN (2024-2029)

The present organizational Strategy ends in 2024. It is therefore critical that it be reviewed and a new one tabled for adoption at the 2024 ACGM in Zambia. In that regard, a review was already conducted in March 2023 in Angola by Council. I propose to circulate the strategy with comments and recommendations from the review to Council for its approval with a timeline beyond which any comments not received will signal approval for tabling and adoption at the ACGM without any further amendments save for in the manner provided by our constitution.

REVIEW OF POLICIES

Your Exco has conducted a comprehensive review of current policies and also tabled new policies for adoption. This adoption has on two occasions been deferred with the result that we remain exposed in the areas we sought to create optimum governance structures and procedure. We will therefore seek to conduct a final review exercise and table the reviewed policies to Council for adoption. I am grateful to the outgoing Exco for the hard work put in the exercise.

OPENING OF REGIONAL OFFICES

As part of the sustainability strategy Exco made a decision to establish regional offices. It is important to create basis for local fundraising in jurisdictions other than South Africa. The Law Societies of Zimbabwe and Zambia have indicated capacity and made offers to host each a regional office and to assist with fundraising for specific projects. We invite other members willing to host an affiliate SADCLA country office to conduct regional projects and fundraising to alert the CEO so that appropriate arrangements can be made.

EXCO & COUNCIL STRATEGIC PLANNING SESSION

In order to implement the organizational strategy and items raised in this section, it is proposed that a virtual strategic planning session be held together with an induction of the incoming Council of the SADCLA as may be decided after the Zambia ACGM.

LEADERSHIP TRANSITION IN SADCLA

During the period under reporting, Mrs V Nyemba stepped down as SADCLA President and Mr F. Menete stepped in in terms of the constitution to complete the term of the current Exco leading to elections.



Congratulations!

MRS VIMBAI NYEMBA

SADC-LA congratulates Mrs Vimbai Nyemba for being appointed as the Permanent Secretary of the Ministry of Justice, Legal and Parliamentary Affairs in Zimbabwe. To give proper effect to her new position, Mrs Nyemba has stepped down from her position as President of the SADC-LA. SADC-LA Council and Executive Committee wish her the best in her position and future endeavours.



MR FLAVIO MENETE

The SADCLA Council and Executive Committee wish to announce that Mr Flavio Menete has immediately assumed the position of Acting President of the SADCLA in terms of our Constitution. We congratulate him and wish him continued success in his service of the Association and all its partnerships.

PARTNERHIPS & MEMBER NETWORK ENGAGEMENT

In keeping with the requirement for SADCLA to maintain contact and engagement with institutional members and other law-based organisations in the region the Executive Secretary Attended the Annual Conferences of the following organisations;

- National Association of democratic Lawyers (NADEL)
- Black Lawyers Association (BLA)
- Law Society of Zimbabwe (LSZ)
- Law Society of South Africa

The Law Society of Namibia also invited the CEO to attend their AGM but due to unforeseen circumstances he could not be in Namibia at the time. However, this serves as a good example and I encourage our members wherever possible to invite the Association and other Law Societies to participate in their national events.

NEWLY ELECTED COUNCILS AND APPOINTMENTS

Law Society of South Africa

A new leadership was elected to the helm of the LSSA at its most recent AGM held in the month of June in Durban, South Africa. We congratulate the LSSA for continuing to lead by example in electing female leaders. The following were duly elected as President and Vice Presidents of the LSSA. We congratulate the following



LSSA President - Joanne Anthony-Gooden is an attorney and director at Anthony-Gooden Inc in Port Elizabeth. Ms Anthony-Gooden holds the BJuris and LLB degrees from the University of Port Elizabeth.

Ms Anthony-Gooden was admitted as an attorney in 1999. She has been a member of the LSSA House of Constituents since 2019. Since 2003, Ms Anthony-Gooden has been an Executive Council member of the Attorneys Association of South Eastern Cape, as well as being on the Executive Council of the South Eastern Cape Dispute Resolution Association. She is also the Eastern Cape counsellor for Port Elizabeth on the Eastern Cape Legal Practice Council and also a Member of the Family Law Committee of the LSSA and on the Eastern Cape chapter of the LSSA Executive Committee.



LSSA Vice President Ntlai Eunice Masipa is an attorney and director at Masipa attorneys in Pretoria. Ms Masipa holds the LLB degree from the University of Limpopo.

Ms Masipa was admitted as an attorney in 2015. She has been a member of the LSSA House of Constituents since 2019. Since 2017, she has been a member of the National Association of Democratic Lawyers (NADEL) EXCO and is currently the Deputy Treasurer. Ms Masipa has been a Board Member of the Legal Provident Fund since 2020 and a Board Member of Knobel Hospital. She also serves on the Human Resource Committee of the LSSA. Ms Masipa was also appointed as Vice President of PALU for Southern Africa.



LLSA Vice President Nkosana Francois Mvundlela is the Founding and Managing Partner of the Mvundlela and Associates Attorneys. He is the current President of the Black Lawyers Association and was recently elected to the Presidium of the LSSA.

ANGOLA BAR ASSOCIATION



We congratulate **Dr. José Luís António Domingos** and his council on their election as President of the Angola Bar Association



Dr Benja Satula is the newly elected Vice President of the Angola Bar Association.

LAW ASSOCIATION OF ZAMBIA



Lungisani Zulu was elected President of the Law Association of Zambia at its AGM held in Livingstone on 28 April 2024.



Matilda Chileshe Kaoma was elected as Vice President of the Law Association of Zambia.

LAW SOCIETY OF LESOTHO



Advocate Lintle Tuke was elected as President of the Law Society of Lesotho



Mokhorro Makara is the Vice President of the LSL

MALAWI LAW SOCIETY



Mr Patrick Gray Mpaka was re-elected as President of MLS.



Tusume James Mwabungulu was elected as the Vice President of the MLS.

GONE TOO SOON

The SADC community of lawyers and partners of the SADC Lawyers Association join the Family and members of the Zimbabwean and South Africa's legal fraternity in mourning the loss of SADCLA Past President of SADCAL Sternford Moyo and LSSA CEO, Tony Pillay respectively during the period under reporting.

We also commemorate and cherish the lives and contribution of colleagues in the profession departed from t earth whose identities remain known in their local communities and countries. May their Souls Rest in Eternal Peace.



SADCLA CEO passed condolences of behalf of the Association at LSSA CEO's Memorial held in Pretoria, South Africa



**CONDOLENCE MESSAGE - STERNFORD MOYO
(1956-2024)**

The Southern African Development Community Lawyers Association (SADC LA) joins the legal fraternity in Zimbabwe, Southern Africa and globally in mourning the untimely loss of iconic lawyer and legendary leader, Sternford Moyo on Friday 5 July 2024.

Sternford served as President of the Law Society of Zimbabwe, the SADC Lawyers Association, Co-Chair of the IBA Human Rights Institute and he ascended to be the first lawyer of African descent to lead the International Bar Association. He served on several boards and led a distinctive career at the helm of Scanlen & Holderness, one of Zimbabwe's oldest and largest law firms.

His calm, solid and balanced leadership style drove his strong connection with all peoples in the legal fraternity and business.

He will be sorely missed
MHSRIP

**Issued by the SADCLA
06-07-2024**



6. SADCLA Meetings

I confirm that your Executive Committee met bi-monthly to review the implementation of the Association's strategic plan by Secretariat and provide guidance in all the activities, operations and projects reported herein.

SADCLA AND LAZ HOLD 2024 ACGM PREPARATION MEETING IN LIVINGSTONE ZAMBIA

The Site visit and inspection was conducted 14-15 March 2024. SADCLA President, CEO and Finance Manager attended and met with the LAZ President, Vice President, Treasurer, Honorary Secretary and CEO. The theme was adopted together with a program outline and all members of the committee will continue to engage and provide feedback per the resolutions of the meeting.

The website for the ACGM has been finalized together with the flyer, registration has commenced. We continue to pursue sponsors and speakers to ensure all sessions are filled. At the same time, the first joint meeting of the SADCLA Exco and LAZ leadership was conducted on Monday 19 May 2024. This was followed by the above reported site visit.



ANGOLA BAR ASSOCIATION HOSTED THE SADCLA COUNCIL MEETING 29 MARCH TO 1 APRIL 2023, LUANDA ANGOLA

The Angola Bar Association hosted the a Council Meeting of the SADC LA from 29 March 2023 to 1 April 2023 in Luanda Angola. The meeting had a two pronged purpose. Firstly, to enable Council to offer support to the Ordem Advogados de Angola (OAA) in preparing for the 2023 Annual Conference and General Meeting (ACGM). Secondly as a way to ensure that continuous engagement and implementation of resolutions by Council at the AGM is done. One of the key outcomes is to ensure that Council becomes more active in between the AGMs and is involved more in shaping the affairs of the association. All in all 8 countries were represented physically and virtually. The meeting was hosted by the Angola Bar Association with the lead coordination of Exco Member, Guilherme Fumuwathu.

The Council meeting resolved the following to note

- Upward review of institutional subscriptions from USD 2000 per year to \$5000. The meeting adopted proposed changes to the strategic plan of SADCLA to succeed the current one ending in 2024. This copy will be placed before Council and adopted as the draft to direct the strategy of SADCLA in the next five years after expiry of the current strategic plan.
- There was an assessment of the overall state of Human Rights, Rule of Law, Democracy and Governance across the represented SADC countries.
- An induction of Council was also held
- A planning meeting of the SADCLA and Angola Bar ACGM Planning Committee was also held and the, dates and program adopted.

It was a wonderful opportunity for networking and meeting of new leadership across Bar Associations and 8 countries were represented both physically and virtually.



7. Conclusion

I thank all bar associations for their continued and demonstrated dedication to the work of the Association. Increasingly we are seeing the leaders of bars becoming part of the operational and programming extension of the Association. This has closed the gap between us and resulted in unified efforts with greater clarity and impact. Let us please continue on the same trajectory.

It is unfortunate that the rule of law and stability of the SADC region continues to undermine its past record of unparalleled success. The recent violence in Cabo Delgado DRC, and conflict between judicial independence and the role of judges in facilitating impartial criticism and engagement from the legal profession are unfortunate.. The legal profession in all its forms, whether private practice, judiciary, prosecution etc, is called upon to show leadership, professionalism and independence. It is true that in moments of injustice, the conduct of the legal profession is responsible for ameliorating intractable impasse.

So let us remain committed to the rule of law, promoting and protecting human rights without fear or favor.

8. SADCLA in Pictures







SADCLA INVITES YOU TO BE A MEMBER

“In the era of globalization, network and connectivity is everything to your business and career. It is the DNA of modern day survival.”

~ SADC-LA CEO, Stanley Nyamanhindi

Today, SADC-LA invites YOU to join the largest professional network of lawyers in the SADC region and make your voice heard!

This is purely a professional platform where we seek to advance the interests of lawyers from all clusters of knowledge.

BENEFITS OF MEMBERSHIP TO SADC-LA ARE:

- You join the largest network of lawyers in the SADC region
- Access to international business markets and partnerships
- Quarterly magazine and publications
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- Specialised committee work
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