



# 2023 ANNUAL GENERAL MEETING REPORT



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18 to 22 September  
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Physical

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Re-Committing to Independence of Lawyers and  
Judges for Sustainable  
Development/Democracies in SADC

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## **INTRODUCTION**

The SADCLA is a voluntary association made up of law societies, bar associations and individual lawyers from the 15-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 General Meeting is the governing body of the SADC Lawyers' Association. This meeting exercises general control over the Association, along with other duties including the election of officers (e.g. President, Treasurer), making honorary appointments, approving annual accounts and making decisions on the times and venues of conferences. Organisational Members of the SADC Lawyers' Association have the right to send delegates to this meeting (the number of delegates is dependent on the size of the organisations) who have the opportunity to influence decision-making.

Delegates from full Member Organisations (law societies and bar associations) are entitled to vote on issues raised at General Meetings, but this privilege is not extended to delegates from sustaining Member Organisations (other law-based organisations) or individual members. However, these delegates are entitled to speak at such meetings, allowing them to voice their opinions and concerns.

In 2023, the Annual General Meeting (AGM) and Conference of the Association which was attended by 500 lawyers was held in Luanda, Angola from 18 September 2023 to 23 September 2023 and was hosted by the Angolan Bar Association. The conference was attended by legal professionals in-person while presentations were done in a hybrid, in-person and virtual, fashion allowing for a variety of international presenters. The format, as the previous year, took an interactive approach and allowed for more collaboration from the audience. Sessions were well attended and the delegates appreciated and embraced the opportunity to engage with panellists.

### **DAY 1 - MONDAY, 18 SEPTEMBER 2023**

#### *SADC Business Mission Exhibition for Law, Trade & Commerce (BME-LTC) 2023*

The first day of the SADCLA AGM hosted the first BME-LTC which was introduced by the then Vice President, now President of the SADC Lawyers Association, Mr Flavio Menete. He stated that the platform was designed in response to the demand for greater collaboration between business and law in the SADC Region and that the exhibition aimed to create a launch pad for external businesses and lawyers who provide legal services to the public in the global market to promote trade. Participants were invited to have interactive roundtable discussions concerning business, the challenges faced and the opportunities that can be found.

*Plenary 1: Navigating the Processes, Structures and Requirements for doing Business between Lawyers and Businesses combined with Global and African Continental Private Business Interests*

The session was moderated by Mr James Banda, Managing Partner of A.M Wood Legal Practitioners, Zambia, and the panel consisted of -

- Lungisani Zulu, Partner at Equitas Legal Practitioners and President of the Law Association of Zambia
- Miguel Carneiro, Partner at AFC & Partners, Angola.

The discussion was opened by the Development Bank of Southern Africa (DBSA), who provided an overview, background and focus of the DBSA. The DBSA is a finance institution established in 1993. It is a government-owned development finance institution, with the mandate to promote economic growth and regional integration for sustainability within the SADC Region and wider Sub-Saharan Africa. It was stated that the mission, of DBSA was to advance the development impact on the African continent by expanding access to development finance and effectively integrating and implementing sustainable development. DBSA has always been open to providing support to law firms and has a division of lawyers within the Bank.

DBSA makes investments in equity and finance, followed by the transport division which includes road, water, rail and air followed by the Information, Communications and Transport sector and now the Bank also makes investments in social infrastructure such as health. The Bank has a wide footprint, is present in most countries in the region and provides an array of support.

The presentation was followed by questions and answers integrated with discussions and comments from the panel. In general, the discussion included, amongst others, DBSA's expectations of legal practitioners, the structure or criteria used to select a law firm for a project as well as DBSA's view and implementation of Environmental, Social and Governance (ESG).

It was highlighted that DBSA expects legal professionals to be equipped and have experience in the fields in which the DBSA makes investments. DBSA has a database of law firms and South African lawyers have a slight advantage.

Mr Banda further added that the expectation was that businesses usually look at continuity. For example, if members were attending a Conference, and if the instructions were safe at the participants' respective law firms and the work left is still being looked after or attended to, there would be continuity. The main point is that the structures need to have continuity. It was stated that when one gives that sense to the business, it is highly likely the business will keep on coming.

The issue of working in modern firms was addressed, and it was submitted that the DBSA will engage local lawyers as opposed to foreign ones. It was concluded that there could be some barriers which prevent law firms from gaining partnerships with local lawyers.

The discussion brought about the issue of skills transfer and integration of services. It was stated that certain types of work might be penetrated if local lawyers worked with foreign law firms. It was stated that perhaps legal professionals need to look at domestic laws in our various jurisdictions and see whether they are helpful. A concern raised was that if one opens up its jurisdictions to foreign legal practitioners, they run the risk of losing their work. The other side to this is that foreign law brings in work and the local lawyers are the beneficiaries of this work if they work together.

It was further submitted that there was a need to advise Attorney Generals and the Ministers of Justice of the respective countries to review whether it was really helpful to have laws which prevent foreign practitioners from coming into the country or whether it would be dangerous to open up.

The question was again posed regarding the various instruments allowing the free movement of goods and services, why is there still a problem with the legal profession?

The discussion then turned towards DBSA's approach to ESG. It was outlined that ESG is valued in all projects undertaken by the bank. The issue of skills transfers and climate change is critical in the legal profession at the moment. Concerning the topic of climate change, it was stated that there was a need for lawyers to up-skill or build their capacity in this area. This was emphasised in all projects, especially in infrastructure.

DBSA has published a statement of issues of Net Zero, meaning that in all projects, for purposes of due diligence, there is an element of ESG and it is therefore important for the lawyers to be knowledgeable about these issues. In all projects, there will continue to be an element of ESG.

Some of the most important '*Take-Aways*' were:

- ESG is being emphasised world-wide, in as much as damage was caused to the environment by the developed world (the West) and not locals who are still developing. Locals still have to be aware of it and every law firm should have a simple reporting standard, and prepare a statement when they do their annual returns which shows that all rules and policies have been complied with including the issues of ESG.
- Legal practitioners like to be in the background doing the transactional work, but the question is do we see ourselves being part of the transactions being made? Do we see ourselves getting involved from the business side and not just drafting the documentation, of course considering all the ethical issues?
- We must remember that we want to see our various countries thrive, and for them to thrive, we need to be involved in the running of the economy, and that cannot only be done by drafting documentation.

The discussion was then turned to the audience to share their experiences, especially regarding the barriers which lawyers have in doing business as lawyers. Various comments and experiences were shared by attendees and a vibrant conversation was held.

The panel, along with the attendees concluded the session by making the following recommendations -

- Law firm structures need to have continuity - when one gives that focus to the business, the business will likely keep on coming.
- Concerning skills transfer and integration of services, certain types of work might be penetrated if local legal practitioners worked with foreign law firms.

- Legal Practitioners need to review domestic laws in the various jurisdictions of the SADC Region and see if they are helpful for skills transfer and penetration of borders for legal services.
- It must be considered whether opening up jurisdictions to foreign law firms will result in the provision of legal services being taken away from local practitioners, or whether the foreign law firms will bring in work and the local lawyers will be the beneficiaries of this work which will result in partnerships.
- Attorney Generals and the Ministers of Justice in SADCLA's respective countries should be advised to review whether it was really helpful to have laws and regulations which prevent foreign practitioners from coming into the country or whether it will be dangerous to open up.
- In all projects, ESG is highly considered by DBSA. The issue of skills transfer and climate change are critical in the legal profession at the moment and the opportunity must be considered.
- There is a need for lawyers to up-skill or build their capacity in the area of Climate Change and there is an element of the ESG in all projects, especially in infrastructure.
- ESG is being emphasised worldwide, and SADCLA should be aware of it as well as every law firm should have a simple reporting standard, and prepare a statement when completing annual reports which show that all rules and policies have been complied with including the issues of ESG.
- As SADCLA, legal professionals must see themselves getting involved from the business side apart from merely drafting the documentation, taking into consideration all the ethical issues and possible conflicts of interest that are involved.
- Provision of legal services - laws should be enacted to address business-related issues both for the private and public sectors which aim to give more work to black-led law firms and in line with domestic procurement frameworks.
- Legal Practitioners must present to the world, what other continents believe Africa to be. A network of lawyers and law firms across the Region should be created with other African countries and law firms across the whole continent. This will be for collectively encouraging each other to build capacity, encourage technology and best practices.
- Capacity must be built to do business within the region and at an international level with a focus on skills transfer and development.

Mr Chungu closed the session by imploring legal professionals to take ownership and control of the issues and topics discussed and requested SADCLA to facilitate and mobilise the recommendations made.

### *Global & Africa Continental Private Business Interests*

The session was led by Mr James Banda, Past President SADC Lawyers Association, Managing Partner A.M. Wood and Company and Mr Miguel Carneiro, Partner: AFC & Partners, Angola.

They stated that they were happy to see that some of us discussing the problems of transparency, 40 percent of the continent has no access to electricity and 70 percent of the continent is informal in the Region and so that creates a major challenge because informality creates all sets of difficulties and it really just

perpetuates poverty. Within our Region the numbers are also very interesting because the between 30 and 40 percent of intra-commerce is informal and so the biggest challenge as a committee is how does one change that and how do you transform this reality in practical terms but also transforming it in a short term.

They attended such conferences and usually there is a lot of politicians, a lot of high-level stakeholders and a lot of people talk about 2043, like 2043 is tomorrow while in fact most of us might not be alive as the life-expectancy in the Region is 60 years. If we are to discuss in real terms how we can create concrete deliverables in a short term, where do we see the short-term opportunities, there are many. People will talk about the agri-business sector and how Africa is fertile but it is important to focus on what is currently happening. Our Region is mainly an export Region of raw materials. We are currently empowering the energy transition of the world, and while doing so we are contracting more debts, and the population is growing.

The focus of this discussion was brining short term solutions and talking to lawyers, one of the key issues is the corporate opportunity and rely on legal practitioners to propose short-terms solutions. All too often we sit in boardrooms in Angola, DRC, Zambia, South Africa and the people across the table are sitting from their offices in London, New York, Paris, and it's interesting to see that in Africa business opportunities are being negotiated from different Regions of the world while we have our own bright and committed lawyers in areas of expertise.

Three countries could work together for example the DRC, Angola and Zambia, just to increase the GDP of the Region by producing and transforming raw materials. Currently, most of the raw materials are exported, and we import the finished products, we also import inflation, debt and we keep having the same discussions without progress.

Just the DRC alone is exporting 5 million dollars formally in cobalt alone, raw or slightly processed. Mining accounts for 60 percent of the foreign exchange in SADC so it is a never-ending problem as people keep asking when their currency will stop depreciating, and this is a problem in every one of the other countries against the dollar. Unfortunately, as long as we are more of exporters of raw materials than we are importers of finished products that we consume, our economies and currencies will ultimately be dependent on whatever happens to the foreign currency exchange rate. The only way we can do that is increasing the value chain in our region.

The only way we can develop is to have a sovereign investments strategy or the core-investment strategy. It's been agreed that the only way to power forward is if we collaborate as a Region. We need a more natural relationship which will nurture more fruits in a short time compared to sitting around and waiting for foreign direct investment to come.

In conclusion, they contended that we have to break the chains and collaborate from the investment aspect as well the legal aspects, starting from the basis of signing MOUs, investment mandates and investment contracts all the way to structuring the deals to funding and implementation. They made two recommendations:

- Engage, partner and collaborate with ALSF for purposes of capacity building projects.
- Encourage lawyers within SADCLA who are specialised or interested in infrastructural projects to consider joining or participating in their panels.

*Topic: Finance and Project Funding Institutions*

The discussion begun with a highlight that from a financial institution perspective, its imperative to be able to work firstly with governments in the continent not only at public sector level but also at private sector level to ensure that there is that collaboration in order to have these bold, efficient, fair and equitable contracts in the different sectors that we are all in, in our different countries.

African Legal Support Facility (ALSF) has seen that supporting governments on the continent from advisory to capacity building perspectives has really shown results towards project financing on the continent. It was stated that ALSF was keen on ensuring that when a government partners with a financial institution to have a project-finance related project, that their interests are clearly protected and that can be seen when their contracts are being drafted, being it financial, technical or legal. It is important that governments are supported, to ensure that they are having their best interests protected and that is where ALSF comes in, to ensure that they are providing key advisory skills that are needed and advisory support of governments as they engage in these contracts. This is ALSF's role in project financing and working with financial institutions.

ALSF has seen that the governments have appreciated their work and our assistance., even from a financial perspective because ALSF ensures that that legal advisory is covered by ALSF but also ensuring that there is capacity building that we are injecting during the processes, so that the next time a country has to build a road or a dam, they can be at a table negotiating with a financial institution or the other partner, they are able to really have sound points and protect their interests.

There was a response stating that they support private lawyers by appointment through its two panels of law firms being Panel A which has international firms who support governments and as an initiative we just recently established a panel B which has African Law Firms, which are qualified to practice in different areas of their Firm. ALSF sees this as an opportunity to strengthen them on continental capacity but also giving law firms opportunities to advise government on the continent. This has also given confidence to governments because they are being advised, not necessarily by a law firm of their respective or native countries but an African law firm. Once a law firm is on the Panel, they can have a three (3) year contract, and they feel that this is a way in which they can continue to work with private law firms to strengthen the face on the African continent, but also to have a say in the contracts that ALSF is engaging in more especially from a public sector perspective, since they advise governments as the main client.

It was indicated that there was an establishment of a climate and environmental financier in 2018 and which had a primary objective on mainstreaming climate finance with an infrastructure . They see a big role to ensure that the investments made in infrastructure support a low-carbon and climate-resilient pathway. So, it is quite important to make sure that the infrastructure that we support is resilient

to extreme weather events but at the same time, investing in infrastructure we also aim to reduce carbon emissions, supporting the transition towards a clean fossil fuel and the renewable energy space which is quite a big area for the DBSA, clean transport, clean energy sources.

To-date, their approach to merging climate into operations, is to try and utilize climate finance and climate finance mechanisms as there are global funds that are available and can be used to unlock private-sector finance for climate infrastructure.

One of the biggest sources of such finance includes mechanisms established by the United Nations, including the UNFCCC mechanisms such as the Green Climate Fund ('GCF') as well as the Global Climate Facility. GCF is by far the largest global facility and International Monetary Fund, Development Banks, Regional Banks as well as National Development Banks have sought accreditation with GCF to see how they can attract climate finance.

With regard to DBSA, that process was started years ago. Their approach with this financial institution is to try and blend DBSA towards the concessional finance that they can attract from these global sources, and they would offer low interest loans, crowdfunding, recoverable bonds, equity financing, guarantees etc and we have tried to tap into various mechanism, but they are also trying to establish programs across key sectors in order to contribute to both reduction of gas emissions to climate resilience. For example, as an infrastructure bank they focus on what was mentioned earlier being energy, ICT, infrastructure, water and transport.

Energy is the biggest one out of the sectors, in terms of reducing emissions as well as transport and in terms of climate resilience DBSA believes it is able to play a significant role when it comes to (climate adaption) is water. In this instance DBSA would assess how can SADC, especially regions that are prone to drought, are well equipped to deal with water scarcity.

Obviously, the Region is also prone to floods, so it is important that the infrastructure can withstand these events as well but what is quite key is having access to data and information to perform these investments.

DBSA just got approval for 35 million dollars from the GCF which is preparation funding from GCF to develop and support the SADC observation climate-early warning system, whose aim is to use climate information and inform investments across key infrastructure including water to cover the whole SADC Region. Their approach in accessing these funds has always been a problematic approach. DBSA tries its best to divide these key sectors. They have had the largest investment in climate adaption during July 2023. A few years ago, they launched an investment program in South Africa to look at rolling out renewable energy projects in South Africa in the absence of guarantees, which has been successful but is still very dependent on government.

They have considered innovative financial instruments to support infrastructure in areas including energy efficiency, wasted energy etc. and he believes that while there are climate mechanisms and funds available, these funds are limited and it is important that we attract private sector. Thus, they considered credit advancement mechanisms and the important thing for private sector institutions is to try and mainstream, move towards a greener portfolio and support the just transition in the SADC Region as well.

It was indicated that: "In terms of your workspace, what would be the role, or how would lawyers support you in the climate change and infrastructure development space. What type of lawyers support you?"

The response from DBSA was that they have seen in their projects related to climate change that there is a need for legal opinions and legal support on various aspects of the project value chain. Firstly, in terms of structural and financial instruments when it comes to climate financing you might find that there are financial instruments to review, new technologies, regulations or legislation so it is quite key that lawyers who are familiar with the space which also governs new technologies for example green hydrogen.

Another aspect is that climate funding does come with a lot of reporting, including verifying the carbon emissions that one claims to achieve, so it is also important that the institution has legal support in terms of the very rigorous reporting requirements that would be needed. There is a lot of sensitivity around the environmental impacts of the investment being made because once climate finance is accessed from these credit advancement mechanisms, there is a lot of sensitivity around the project having indigenous people for example, and these are more pronounced when it comes to climate finance, as opposed to the normal infrastructure development projects.

There is also the issue of legal due diligence, when it comes to climate there is a special emphasis on permits and licences, new technologies, advising on climate-related risk, so obviously one needs to understand the physical risks associated with climate change and the legal fraternity may be able to contribute to that discussion.

The DBSA indicated that there are also new financial mechanisms coming into play in the carbon markets – the private sector would need to understand the opportunities around carbon finance and how best to do that. As DBSA not much has been done in that area because one can either apply through the UNFCCC mechanisms or carbon credits. Thus, there are a lot of opportunities to support the just transition. There are also issues of climate litigation, the impact of investments and there is a lot of support that lawyers can provide.

It was enquired about where ALSF is concerned, in terms of capacity building among lawyers, how ALSF interface with Bar Associations such as SADCLA which is made up of 16 Bar Associations. What kind of interventions or working arrangements do they have to ensure that there is visibility about what they do as there may be no SADCLA lawyers on their panels and so they are not benefiting from infrastructure projects in Southern Africa.

How does ALSF work with Bar Associations to build better capacity of lawyers to support infrastructure developments?

Another panellist responded and stated that in terms of providing capacity building as a project, they are a demand-driven institution, governments put in requests to them officially indicating areas of support that they need. They work across 12 main sectors or areas of speciality, that is Private-Public Partnerships and infrastructure, sovereign finance, natural resources and extractives, i.e looking at oil and gas, as well as power.

Where capacity building is concerned, they undertake a due diligence process, and consider the needs of the country, they interface with a nominated government agency, look at the capacity-need that they have raised and then help them structure it so ALSF will come in with the support that is needed in the country, undertake the workshop or training model with the government. They have noticed that when the government requests, they usually have a team within the institutions but they have seen cases where private sector lawyers are invited if they are involved in one of the sectors.

For SADCLA, ALSF is trying to explore the ways in which we can partner with them especially from a capacity building perspective.

They are hoping to partner with SADCLA to see how they can structure these regional capacity building workshops. So, it is important that ALSF identify SADCLA's need in whatever sector, for example infrastructure is an area we can support and develop their modules and it can be basic, intermediary or advanced.

Another way in which ALSF promote capacity building is through the development of knowledge products such as the online ALSF Academy which has basic trainings for free, for those who are experienced this is a good way to have a refresher course. They also provide resources, accessible on our website, about sovereign finance, power, natural resources and PPPs.

ALSF will launch the ALSF Academy in Cameroon on 25th September 2023 and it is a five-day training on the four sectors. It is a perfect opportunity for advancing the areas and they will be provided online on the ALSF platform.

A panellist posed one last question to Dr Sayed and asked about some of the bottlenecks in terms of hindering a faster deployment of infrastructure projects generally, also specifically to climate-change related infrastructure departments?

It was stated that the key bottle-necks especially in the Region, is the need for project support which includes legal due diligence, the risks associated with the project as well, contracting and evaluation of the said agreements or contracts. From the DBSA's perspective, a bottle-neck is that climate projects are a relatively new area and there is a lot of support required. Some of the support that can be provided to the SADCLA is the opportunity for readiness support from GCF for capacity building and strategic developments. The legal fraternity can access some of these funds and see how best some of these countries can be supported to enable access to the funds from GCF. He mentioned that they have noticed many gaps when it comes to supporting the GCF in the Region and so he believes there is a strong need for legal support, policy support and enhancement to not only support the just transition but also supporting other areas of climate resilience.

### *International Commercial Arbitration and Developments Run in The SADC Region*

The discussion started by stating that the discussion on international commercial arbitration is an interesting one and started by asking the question what opportunities can lawyers derive from Arbitration within the Region? In Angola, they have nine Arbitration Centres that are currently operational but they still need more opportunities for the lawyers in the Region.

Mr James Banda added that they were there to also discuss international commercial arbitration which is a private dispute resolution process in which parties from different countries choose to have their disputes decided by one or more arbitrators, and as we all know this is done without the involvement of the courts of a particular country.

In Zambia, they have set up the International Arbitration Centre, a collaboration involving the Bar Association, the business community, all the major professional bodies including engineers, surveyors, architects, accountants, bankers. All of them are the users of the centre and so they are involved in the establishment of the centre.

Therefore, the opportunities are there to answer the Dr Goncalves' question. The next issue is disputes which arise in our Region and then these disputes are settled elsewhere. ICC, London, Hong Kong or Singapore, the opportunity which is there is first of all, that most of us are involved in domestic arbitrations and not international arbitrations. For domestic arbitrations, we need to be qualified and experienced. For international arbitrations, you really need to be good and extra qualified before you will get your first appointment.

In Zambia, you have to be trained by the Chartered Institute of Arbitrators (CIArb) and they can train you in all the major pathways, you do not have to go to the UK for training, we have an accreditation system where you write your exams and you get accredited internationally. The major pathways are mediation, adjudication and arbitration. Equally, another opportunity, once you get your credentials is that the Centre needs to be filled by practitioners, and if a dispute arises in the SADC Region, you are better placed to deal with those disputes and you will be dealing with major disputes.

Collaborations between countries will be coming, and MOUs will continue to be signed, but what is required of us is to specialise. At some stage in your career, you need to pick a specialty and decide what it will be. If you are from DRC Congo or Zambia, it could be mining for example. Construction is another area where we have a lot of practitioners coming into Angola where we need to fit all of those spaces. We are familiar with the Federation of Consulting Engineers' contracts used in construction, and the biggest users of these types of contracts is African countries. The Arbitration Clause states that whenever a dispute arises, that rules which will be applicable will be the ICC Rules. The point is we can only develop and go up from here as Africans, we can only arise and so it is important that we pick our specialities, take advantage of the things that are happening such as the trainings and be on the list of arbitrators.

Mr Stanley Nyamanhindi added that for the first time in ten years the legal profession in Africa is organising itself to counter the perception that we are not organized enough, we are not skilled enough and we do not offer facilities which can compete in providing international commercial arbitration services.

The establishment of the Centre in Lusaka, Malawi, and the developments we are talking about here in Angola and Lesotho is based on the idea to create a regional network of centres of excellence in international commercial arbitration and when each of the SADC countries or a substantial amount of them provide skilled centres with adequate domestic provision of arbitration services, a responsibility which is

squarely on the shoulders of the legal profession, only then can we start to talk about international commercial arbitration.

The work that the CIArb is doing in Zambia is critical to this. He has also been able to establish Arbitration Foundation of Southern Africa and was looking at the recent ratings of arbitration in Africa including Egypt, Kigali and Kenya. In the latest survey however, it is actually the southern region which is leading in the provision of services in international commercial arbitration and credence has been given by the School of Oriental African Studies – London University, which is an indication of the opportunities that lie in the Region where we are and the footstool that we have to consolidate them if we organise ourselves.

He indicated that SADCLA wishes to address the key challenges that come up and why people do not want to arbitrate here in SADC is:

- The perception that we do not have the laws; Reforming and underlying our laws is critical, those who know the UNCITRAL Model Law.
- The failure to give arbitration its autonomy where the judicial system may intervene or parties may take issues to court while there is still arbitration.

A question has also arisen around whether judges should be arbitrators. We found this in Malawi and they are in the process of coming up with a new law and again some of our jurisdictions should look out for these issues when doing law reforms on your countries. A Domestic Arbitration Act should be separate from an International Arbitration Act and a simple take to achieve this is to simply adopt the UNCITRAL Model Law, with modifications, and separate the domestic laws.

Having highlighted this issue, one of the needs we have is the cooperation and support of our governments at the national level and the SADC level. For example, there is immense infrastructure that is deactivated, e.g. the SADC Tribunal building with good fixtures, and modern facilities which we can use to advertise ourselves as a preferred and welcoming destination for doing business because we have the infrastructure.

In Malawi, the President of Malawi at the time was the Chairperson of SADCLA and he had signed an MOU with the Bar Association of Malawi to recognise and refer disputes to the local arbitration centre. I believe this has also happened in Zambia where the Minister of Justice is a member of the Regional Panel of Arbitrators under the initiative that the SADCLA is rolling out with stakeholders on the Southern African continent.

The key pillars would have to be having standard rules, and the issue of currency and corruption is key to the success of our arbitration efforts. The perception of corruptibility and judges, and their independence therefore is critical in standardizing this.

If we in the Region make one mistake, the whole Region is painted black and we can never attain any profit. Investment Arbitration Awards worth 40 billion US Dollars in the past 10 years has been made in Awards that are done out of Africa, and it is important for the profession to organise ourselves and seriously consolidate these issues. There is a preference and an advantage to solving disputes that arise from our Region within our Region and I think we are in the right direction.

Ms Nakasamba Banda concluded the discussion and highlighted the one important issue raised which is to recognise our weaknesses and see how we can improve them and thanked the presenters for raising all the challenges faced.

*Closing Plenary: Facilitation of interaction between lawyers, businesses and state actors*

Mr Paulman Chungu delivered the closing plenary address and stated that when the event commenced a year ago he and Mr Nyamanhindi could never in their wildest of my imaginations think that it would be as successful as it was today. The members' participation was an inspiration and those of us who are trying to achieve the reality of the Transboundary Movement of Legal Services in our SADC Region are inspired to work even harder towards it.

He highlighted, two issues that stood out for him. The first and less exciting issue is that some colleagues could not join because they were not able to obtain visas. That is something that, as we are talking about free movement, we should be addressing in whatever way and with our governing counsel to make sure that we do not have such hinderances.

The other thing that stood was that Africans were discussing their African problems to Africans. He has been practicing law for 30 years and had gone to quite a number of conferences, and this is the first time he has been in a meeting room where Africans were talking to fellow Africans about their African problems. This is very admirable.

Us coming and sitting and agreeing and disagreeing on issues and resolving that we will find solutions and we will achieve this by knowing who is where and who is what.

He closed the days proceedings by thanking all the attendees and the event organisers.

**DAY 2 - TUESDAY, 19 SEPTEMBER 2023**

*Networking Day*

**DAY 3 - WEDNESDAY, 20 SEPTEMBER 2023**

*Women Lawyers Forum*

2023 saw the inaugural SADC Women Lawyers Form being held. All attendees were invited to attend and participate and covered a variety of female-led topics covered by some of the leading female minds in law. The forum was welcomed and opened by Mr Flavio Menete Vice President then and Currently the President of SADC Lawyers Association.

Mr Menete was followed by Ms Mary Pais Da Silva, Co-Director, African Initiative of Woman Human Rights Defenders who delivered the key note address. She opened her address by providing back ground to the African Initiative of Woman Human Rights Defenders and explained that the topic she chose was on the

economic empowerment for woman lawyers, which was a difficult topic, as the audience is highly skilled.

She stated that the benefit of law cannot be enjoyed until everyone has access to its protection and equality before law is not only the legal interpretation in favour of man on street but also the provision of legal representation. The further translates to equality between legal practitioners. She stated that she once was a young and optimistic legal practitioner but was not prepared for the inequality practicing law would show. These included lower hourly rates, less complicated matters resulting in less billable hours, being subjected to chauvinistic ideologies such as having to dress according to male dictated standards, discrimination based on expectations of having to attend to "female" orientated duties such as making tea and phone calls.

She contended that these days there has been progress but there are still certain expectations women have to live up to while competing in the legal world such as being expected to give up opportunities to attend to family responsibilities etc.

She discussed the lack of opportunities granted to female-led law firms especially when considering that male counterparts have more opportunities to create connections and become part of the "Men's club" meaning women play catch up the entire time.

According to the 2023 UN report, gender equality will take 286 years to achieve and an additional 132 years to close the gaps. Thus, architects of Human Right laws have an impact on local laws and economic sectors for example, local laws in many countries prevent economic equality such as equal pay for equal work. Ms Pais Da Silva submitted that these types of law is not equal.

She closed her address by referring to the American Bar Association report which provides recommendations to empower ourselves and other women in law –

- Seak leadership roles and change the culture from the inside out,
- Foster mentoring relationships by mentoring and fostering younger women,
- Promote gender inclusivity and gender equality by making the work place more female friendly and implement work policies,
- Prioritise work-life integration by setting boundaries and implementing them. Schedule and use time respectfully.
- Embrace collaboration and engage team work and
- Pay-it-forward – connect with colleagues to see how can help and support.

The address was well received and the first plenary session dealing with "*Is the future female? Are we creating a financially stable future?*" was introduced.

*Plenary session: Conversation starter, "Is the future female? Are we creating a financially stable future?"*

The session was held by Ms Vincia Cloete, Corporate Governance, Treasurer SADC Lawyers Association and CEO of Namibian Executive of Corporative Governance.

She commenced her address by posing two questions:

1. Is the future female?
2. Are we creating a financially stable future?

She answered this by stating that to have real equality we need to level the playing field. This does not mean we want handouts but rather want to do things that we can do well. She believes that we start by giving ourselves permission and not expect anyone to give us permission and we need to recondition our male counterparts. She welcomed her male colleagues and stated that she was pleased that they were attending as we need women to speak to men about women solutions. She stated that we are women, mothers, wives and individuals and we have to start at home by teaching boys how to treat and see women.

So yes, the future is female, but need help from men.

She listed three things to ensure the future is female:

- Show up with confidence – know what you are talking about and do not cower. Confidence is paramount.
- Competent – beauty and dressing up will only get you so far. Thus, women need to be competent in what they do. Be prepared. Confidence should be matched with competence.
- Conviction – believing in yourself based on your competence so that you can be convincing.

She then turned to the second question - *How can we create financially stable future for women?*

She stated that while working with law firms she noted that women focus on the administration side of running a firm and do not focus on the financial side.

As legal practitioners our minds are divided between words and numbers but we tend to focus on words. We need to get help with numbers to create financial stability for the future and a legacy.

She explained that women can create financial sustainability by:

- Becoming financially literate – understand basics around budgeting, investing and lending. Environmental, Social, and Governance investment is critical.
- Get financial advisors to assist – the crux of being a legal practitioner is that we often think that as advisors we know and understand. We need to understand financial risk.
- Need to dump debt – Not all debt is bad, but need to understand implications of debt in the long and short term.
- We have to plan for retirement with a financial advisor.
- Understand your stance on social security.
- You should create an emergency fund in addition to savings.

She closed her address by imploring women to build leadership profiles so people can relate and ensure they do financial planning to ensure the future of women in law.

*Inward Looking Session - Celebrating 100 Years of Women in Law in South Africa, supporting Angola's Women in Law*

This session was presented by video and was opened by Ms Rehana Khan Parker Hon. Judge of the High Court of South Africa, Director Woza Woman in Law, and

Director, RKP Attorneys Inc, Ms Subashnee Moodley, Director Woza Woman in Law.

Ms Moodley opened the session by introducing and giving background to Woza Woman in Law which was started in 2020 as a response to the gap in recognising women in the so-called specialised fields of the law. Woza's aim is to upskill women lawyers to allow them to confidently access and excel in specialist areas in law with the ultimate goal of eradicating occupational segregation resulting in the gender pay gap dilemma. Especially in South Africa the pay gap between men and women is high and women are paid 30% less than their male counterparts.

At Woza they believe that all challenges can be overcome if all stakeholders come together specifically looking at gender-based violence, sexual harassment, bullying and hostile working environments all resulting in an upswing of signs of post-traumatic stress syndrome.

She stated that despite its challenges, 2023 is a milestone celebration and marks the 100-year anniversary of the admission of women as legal practitioners in South Africa and handed the conversation to Ms Khan Parker.

Ms Khan Parker thanked Ms Moodley and welcomed everyone to the Women Lawyers Forum. She gave a detailed overview of the history of women in law in South Africa since 1909. She discussed two applications brought in 1909 and 1912 by women in an attempt to be admitted to the legal profession which was denied. Finally, in 1923 the legislature amended the law to allow for women to be admitted and the first women were allowed to join the legal profession. Later, women of colour were allowed to join as well as African women.

The biggest change came after 1994 when women were more welcomed into practice and academia. She then gave over to Ms Morwesi Dlepu, Director at Woza, to discuss current trends and systemic barriers experienced.

It was indicated that more than 50% of people in South Africa are women but this is not reflected in the employment industry and specifically in the legal profession. To combat this Woza has partnered with the University of Johannesburg to empower young legal professionals to succeed and thrive in law.

Ms Khan Parker and Ms Moodley each closed the presentation and thanked the organisers for inviting them.

*Plenary 1: "Looking at women in the law and actions taken to Promote Women Lawyers in the profession."*

The session was led by Ms Joanne Anthony Gooden, Legal Practitioner, Anthony-Gooden Inc and Ms Wadzanai Hwami, Legal Practitioner, Legal Resources Foundation.

Ms Gooden opened the session and stated that it is scary to think that 100 years later we are still struggling with challenges. In South Africa a subcommittee of the Law Society of South Africa (LSSA) researched the challenges female lawyers experienced. LASSA's survey indicated that many women struggle with issues despite females leading the industry.

She shared her experiences when she interviewed for a candidate attorney position and was asked if she planned on having children. She believed this to be inappropriate and is still a deciding factor in business. She contended that in South African family law, fathers have been accepted as nurturers and primary caregivers but women are not given the same opportunity in business.

She supported and cited LSSA's strategies to illuminate discrimination -

- Identify discrimination & build strategies to combat and redress the discrimination,
- Build strategies to equalise remuneration,
- Identify and implement short-, medium- and long-term solutions,
- Empowerment – research showed women are not supporting women. Female practitioners should approach younger legal practitioners and empower them through mentorship and guidance.
- Shift power strategies to level the playing field.
- Continuously monitor and evolve our strategies to ensure equality.

She stated that out of more than 26 000 practitioners in South Africa only 289 women responded to the survey. She pleaded with women to step up and respond and use the opportunities and tools afforded to them. From the survey the following findings were made -

- More than half would not recommend law as a profession for women.
- Law had a negative net promoter score.
- Women feel law is a male dominated profession.
- Women experienced a significant family-work clash that can't be resolved.
- Women are not respected by men.
- Women do not respect each other.
- There is a large income disparity.

Ms Gooden closed her address by stating that women need to break stereo types. Not only towards men but also women. They need to treat everyone equal and should employ a candidate because they are the candidate not because they are a woman or man. She opposed the usual policy of employing women only and stated that to break gender stereotyping we need break our own bias towards men and treat everyone equal.

Ms Hwami followed Ms Gooden and stated that thus far the theme was quite depressing and as a young female lawyer she wants to be more optimistic.

She stated that everyone deals with the same issues across SADC. In Zimbabwe there is been some progress as certain high-ranking positions in the High Courts are held by women including that of Deputy Chief, Constitutional Court judges, Supreme and High Court judges as well as Labour Court judges. They still experience challenges, mostly at the ground level.

Some of these ground level challenges include -

- Many women enrol for their first year of a law degree, but many are lost along the way and most do not complete their studies. There is also a very low number of top-acting female legal practitioners.
- Female lawyers are more inclined to only practice in certain areas such as family law, the NGO sector and the corporate sector creating a gap in other areas of practice.

- Young female lawyers struggle with sexual harassment as workplace policies are in favour of gender equality but implementation is weak.
- Billing policies are not in support of the female gender role in society and favour male counterparts.
- Despite being progressive i.e. maternity policies allow women to take as many maternity sessions as they need, however in practice this becomes an expense to the firm and is detrimental to women of child bearing age.
- Females are still expected to serve men during meetings.
- Females have a disparity in work hours as they have to attend to household activities reducing the number of hours they can work and thus billable hours are very low.
- Mental health is still not being addressed and young female lawyers are not supported when it comes to mental health.
- Women are still deemed to be non-lawyers and regularly misidentified as secretaries and due to stereotyping, trust and confidence in women are low.
- The lack of transport and safety means female lawyers can't work until late at night like male counterparts which, again, influences billable hours.
- Sexual harassment is haphazard and not taken seriously. Reports are not acted on and complainants victimised. Even in law schools sexual harassment is experienced and this stretches to government where sexual favours are expected to be allowed to the lower benches.

Ms Hwami closed by stating, that despite all the challenges she remains hopeful and believe that if men and women work together, they will be able to overcome the challenges and promote equality in law for women.

### *Bridging the gap*

The session was moderated by Ms Ngosa Simachela, Lawyer and Vice President, Law Association of Zambia while Ms Sandra Muengwa, Legal Resources Foundation Zimbabwe and Ms Margareth Nangacouvie, Lawyer and researcher, American Bar Association, presented on bridging the gap between women in law as legal practitioners and as beneficiaries of Human Rights.

Ms Muengwa opened the session by stating that as legal professionals we don't live in vacuum. How we treat women in profession will pull through to other areas. We have international and local frameworks addressing gender equality but how is that being implemented?

SADC has a gender protocol signed by member nations. The question is: "To what extent is the protocol in being implemented?"

In Zimbabwe, female Human Rights defenders are attacked for representing Human Rights activists. Cyber bullying of lawyers is prevalent even with legislation criminalising it. Maternity benefits have been improved but there is still inequality when it comes to the exercising of the benefits and we need to address issues such as unpaid maternity leave and inadequate payments from insurance.

We need to improve the rights of female legal practitioners, as well as women in other areas of law such as labour.

Sexual harassment is common in all professions but what are female legal practitioners doing to address it at an entry level? One of the issues is the of reporting sexual harassment and there is a need to create a mechanism for reporting which protects the discloser. SADCLA needs to investigate the situation and interrogate findings.

Ms Muengwa gave credit to the Law Society of Zambia who have taken steps toward the protection of female legal practitioners and encouraged other Law Societies and Bar Associations to learn from each other

She closed her presentation by proposing a model law on sexual harassment and directives on what can be done to eradicate it.

Ms Nangacouvie followed with a discussion on democracy and women and how they relate. She stated that although there is a room full of women, we still need our male counterparts' men as they do not believe the topic relates to them.

She then turned to the female audience and asked: "What do we have in common with men in democracy. What does Mozambican, Zimbabwean, Tanzanian and other lawyers have in common? How can women define ourselves as lawyers? What is our purpose and goals? What is our perspective on our duty in society?"

In 2020 she was part of a group of about 30 lawyers of which 25 were trainees. They were discussing politics and the role of lawyers in protecting rights. There was only one female that specialised in political rights for women and promoting politics and democracy. The question then arose, despite celebrating 27 years of women in law, why was there only one female specialising in political rights? It further came to light that she was not recognised as an equal to her male counterparts and that the inclusion of women in law is still a controversial discussion.

She stated that the problem isn't women practicing law but rather that men and women are not educated in the area of Human Rights and the exercising of equality. Currently, there is only lip service being paid to gender equality and despite attending a law school and obtaining qualifications, the beliefs are still there - being a lawyer does not make us better or means that we practice what we preach.

They further realised that women are not sufficiently mobilised to face the struggles experienced in law and society as there is poor quality and little prudence. She contended that it is not enough to have many female lawyers and that women need to fight for their gender as females and proposed that women should build their own agenda in the work place.

She submitted that recognising female value and competence is paramount and that the fight is not against men, but a fight that needs to be fought together. Women need to collaborate and not sit back.

In Angola there are several problems women need to deal with and there is a need to change reality for everyone not just women. Stress at work, labour conditions, illness etc are not discussed. Financial inequality is not addressed or discussed.

The legal fraternity is plagued by mental illness and fatigue, but this is not discussed.

She submitted that Angola needs to have an association that protect legal practitioners like the courts have and they have to discuss policies that protect legal practitioners especially Human Rights defenders. Women in law representing Human Rights defenders need to be protected as they are often attacked verbally and socially.

She closed by stating that there is, however, hope as SADC countries support each other, like Tanzanian's Bar Association and other Human Rights associations that support Human Rights defenders. She discussed some lessons received from the Brazilian Bar Association and that everyone needs to work together to uplift each other.

Ms Simachela took comments and questions from the floor whereafter the session was closed and the next introduced.

*Plenary 2 OUTWARD SESSION: Sexual Reproductive Health Rights and Laws criminalising poverty and status negatively affecting women*

The session was moderated by Ms Lilian Muzimo, Lawyer and CEO, Law Society of Botswana and the presenters were Dr Josefina Conceição, Angolan Advocate, and Ms Fiona Iliff, Human Rights Lawyer: American Bar Association.

Ms. Iliff addressed the delegates on facing the immense challenges of working in human rights law by embracing a "human rights start at home" culture.

She shared that she grew up in Zimbabwe in the 80's and 90's. During those years, independence movements across Southern Africa were challenging injustice and demanding equal rights and opportunities for all. She was inspired by anti-apartheid lawyers and human rights activists who sacrificed so much for their cause and understood the significant personal cost involved. Despite the costs, human rights defenders achieved incredible things, derived meaning and a sense of purpose and she knew she wanted to join this community. She submitted that, there is no part of the world whose legal profession has done more, or risked more, to advance human rights than Africa.

She addressed the hard truths of working in the field of Human Rights and the potentially negative pitfalls that lawyers, their families, and their teams may be prone to. Experiencing other people's trauma daily and not talking about how mentally and physically dangerous it is to work in crisis mode for any extended period is dangerous. She shared her own struggles and challenges such as how to balance her children's daily needs, with work that hopes to secure their futures.

The prevailing culture in human rights law does not allow for weakness and still is a highly competitive industry. In 2015, the Centre for Human Rights and Global Study at New York University, through its Human Resilience Project, carried out an online survey with human rights defenders working in several countries. The initial results were quite shocking, showing a significant adverse impact of their work on mental health. 19% of the defenders were diagnosed with Post Traumatic

Stress Disorder (PTSD), 19% had symptoms associated with PTSD, 15% showed signs of depression, and 19% experienced symptoms of burnout.

The most surprising result was that human rights defenders experience the same level of trauma as front-line responders and combat veterans. Despite these statistics, many human rights organisations struggle to adequately address the issues and help manage the chronic stress and vicarious trauma associated with our jobs. Infamously, Amnesty International (Amnesty) suffered two tragic suicides in 2018. The management undertook extensive reviews of the work culture, with their final report identifying a culture at Amnesty offices worldwide as one of martyrdom, overworking, and of being told to “toughen up, or get out”. The report called on the management of Amnesty to institute systemic changes and adopt the “Human rights start at home” culture that they strive for today.

After working in underfunded and overstretched legal aid firms in London for many years, she finally decided to make the move back home to Zimbabwe in 2013, just after the passing of the new Constitution, to continue to pursue her passion for human rights and social justice but in her home country.

In Zimbabwe, she experienced that the pressures put on women human rights lawyers and women human rights defenders were even more extreme. It is tough to be a Human Rights defender. It is a million times tougher to do so as a woman. She witnessed first-hand how women working in the field of human rights are often seen as threatening the status quo. In addition to the inherent pressures of human rights work, she, together with many other strong women in the field, faced social isolation, biases and threats to reputation and physical security. Women of course also often carry the extra gendered emotional burden of being the primary caregivers to their families and children, in a workplace contexts that offer no structural support systems.

Given the extent of these inherent pressures and the ongoing struggles many of legal professionals face on a daily basis working to advance human rights, she looked the importance of adopting a “Human Rights Start at Home” culture and in doing so covered 3 broad ideas.

Firstly, we need to start with ourselves and practice self-care and resilience. Second, we need to challenge our organisational cultures to set up systems that help us manage the workload, as well as address the vicarious trauma and other difficulties associated with being on the frontlines. And finally, we need to build movements that not only work for victims and bring changes to society but also ensure that we can do our job with our needs respected and addressed. Basically, we must create the safe, respectful, and open spaces in our work that we want to see reflected in broader society. We need to ensure our workplaces have safeguards and accountability structures to protect against gender-based violence, bullying, bias and discrimination, emotional burnout, and other adverse mental health impacts. Finally, in our broader work of building human rights and feminist movements, we need to create mutually supportive networks and support systems. We need to be there for each other, support each other and cheer each other's successes and failures.

Finally, she encouraged all female legal practitioners to be open about their experiences, share them and provide safe spaces where women can heal if needed and be able to continue carrying out the important work we all love and cherish.

She closed by stating that the Women's Forum, as well as the broader SADCLA AGM, is an opportunity for exactly the sort of relationship and community building that can sustain female legal practitioners and that embracing a human rights culture begins at home.

Presentation Notes:  
Introduction of speakers

Fiona

Facing challenges...

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She shared that she grew up in Zimbabwe in the 80's and 90's. During those years, independence movements across Southern Africa were challenging injustice and demanding equal rights and opportunities for all. She was inspired by anti-apartheid lawyers and human rights activists who sacrificed so much for their cause and understood the significant personal cost involved. Despite the costs, human rights defenders achieved incredible things and derived meaning and a sense of purpose and knew she wanted to join this community. She submitted that, there is no part of the world whose legal profession has done more, or risked more, to advance human rights than Africa.

She addressed the hard truths of working in the field of Human Rights and the potentially negative pitfalls that lawyers, their families, and their teams may be prone to. Experiencing other people's trauma daily and not talking about how mentally and physically dangerous it is to work in crisis mode for any extended period is dangerous. She shared her own struggles and challenges such as how to balance her children's daily needs, with work that hopes to secure their futures.

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The initial results were quite shocking, showing a significant adverse impact of their work on mental health. 19% of the defenders were diagnosed with Post Traumatic Stress Disorder (PTSD), 19% had symptoms associated with PTSD, 15% showed signs of depression, and 19% experienced symptoms of burnout. The surprising results showed that human rights defenders experience the same level of trauma as front-line responders and combat veterans. Despite this statistic, many human rights organisations struggle to adequately address the issues and help manage the chronic stress and vicarious trauma associated with our jobs. Infamously, Amnesty International suffered two tragic suicides in 2018. The management undertook extensive reviews of the work culture, with their final report identifying a culture at Amnesty offices worldwide as one of martyrdom, overworking, and of being told to "toughen up, or get out". The report called on the management of Amnesty to institute systemic changes and adopt the "Human rights start at home" culture that they strive for today.

After working in underfunded and overstretched legal aid firms in London for many years, I finally decided to make the move back home to Zimbabwe in 2013, just after the passing of the new Constitution, to continue to pursue my passion for human rights and social justice but in my home country.

In Zimbabwe, I experienced that the pressures put on women human rights lawyers and women human rights defenders were even more extreme. It is tough to be a human rights defender. It is a million times tougher to do so as a woman. I witnessed first-hand how women working in the field of human rights are often seen as threatening the status quo. In addition to the inherent pressures of human rights work, I, together with many other strong women in the field, faced social isolation, biases and threats to reputation and physical security. Women of course also often carry the extra gendered emotional burden of being the primary caregivers to their families and children, in workplace contexts that offer no structural support systems.

Given the extent of these inherent pressures and the ongoing struggles many of us face on a daily basis working to advance human rights, I want to talk briefly today about the importance of adopting a "Human Rights Start at Home" culture. In doing so, I hope to leave you with 3 broad ideas:

Firstly, we need to start with ourselves, and practice self-care and resilience. Second, we need to challenge our organisational cultures to set up systems that help us manage the workload, as well as address the vicarious trauma and other difficulties associated with being on the frontlines. And finally, we need to build movements that not only work for victims and bring changes to society, but also ensure that we can do our job with our needs respected and addressed. Basically, we must create the safe, respectful, and open spaces in our work that we want to see reflected in broader society.

Let me commence with self-care. I cannot emphasize how important this first step is. If you do not take care of yourself, you cannot help others. I have seen many of my co-workers put clients and victims of violations first, without realizing the toll it takes on them, on their lives, and their ability to be effective at their jobs. Self-care does not mean one is being selfish, but rather it is to recognize that we matter, and we can only be effective if we are healthy and have a plan in place to ensure that we take care of ourselves. To that end, I recommend the excellent resources from Social Justice Leadership Coach Liz Griffins and the Headington Institute (which provides resources and training to organisations with staff working in high-stress environments across the globe, to help them both maintain their well-being and thrive in their work). They operate from the understanding that "Human rights work is inherently traumatic". It is expected that most responders to human rights violations, will at some point in their careers experience vicarious trauma, chronic stress, and burnout.

Certainly, for myself, after several years of representing victims of security sector brutality in the courts and pushing back against closing civic space in Zimbabwe through various international and regional fora, I reached a burnout point when I found myself feeling and being unhealthy, stressed out, experiencing conflict in my relationships, and sometimes feeling apathy towards my work. But at the same time, I saw many of my colleagues, co-workers, survivors, and others in the sector

around the world, working under much more extreme pressures, continuing with such vitality. How did they do it?

For some, it is simply a matter of extraordinary willpower, but this is not always healthy. I have witnessed colleagues and partners push themselves to great extremes, right to the edge, without recognizing they are burnt out, eventually requiring them to take several months off, or even spend time in a hospital, to recover from the mental and physical impact of our work.

However, what I discovered from my research, and speaking with trauma specialists and particularly resilient colleagues, is that resilience, self-care, and transformation after vicarious trauma is possible, but it takes practice like any discipline.

Dr Laurie Pearlman, a clinical psychologist who has worked with survivors of a wide range of traumatic experiences, encourages us as human rights defenders, to try to be Aware of the issues affecting us. Not to avoid issues, but instead to “Engage Deeply”, and allow ourselves to feel our own pain and the pain of our beneficiaries. It is important that we differentiate our own experiences from those of our beneficiaries and clients. To maintain a professional partnership. And so that we also do not compare our experiences with the victims we work with. Everyone experiences trauma in their own unique way and comparisons do not help.

Then, she recommends that we Examine Certain Beliefs, that may be damaging, particularly negative self-beliefs. That we Find Balance between our work, rest, and play. Set limits and boundaries. Prioritise physical exercise and health. Refresh our spirits, for example through connection to nature, faith, or music. And Seek Connection with the people - friends, family, and co-workers - that we trust, respect, and care about. Most importantly, we can seek help through counselling.

Self-care is hard work, but it starts with us, and it can help us navigate the difficulties we experience in our jobs daily and allow us to still be effective.

Let’s now move to the workplace. We spend a lot of hours in our offices daily, interacting with victims, co-workers, and others engaged in our space. We all have a responsibility to Establish Healthy Organisational Cultures and Safe Workspaces. While this sounds self-evident, working in high-pressure environments, in gender-biased societies, and with the stereotype that lawyers and human rights defenders are superheroes available at all hours to serve those less fortunate, can make this much harder than it sounds. It takes conscious systematic efforts and Walking the Talk.

There is evidence that front-line workers, such as human rights lawyers, have higher rates of substance abuse and strained family relationships, particularly where there is limited support available to them, if they have a lack of healthy coping skills, and if there is a workplace culture where they feel unable to be honest about their emotional states.

The change starts with us. If we have taken the first step of being able to practice self-care and express our emotions authentically and openly, then we are already modelling emotional well-being that trickles down to co-workers.

It was argued that the human rights values that we strive for —such as equality, non-discrimination, fairness, respect for dignity, humanity, transparency, justice and accountability— can be translated into practical responsibilities within our own workspaces, guiding us on how to manage and treat our staff, interact with our stakeholders, communicate, and generally make decisions regarding our organisations, our values and workspaces.

We need to ensure our workplaces have safeguards and accountability structures to protect against gender-based violence, bullying, bias and discrimination, emotional burnout, and other adverse mental health impacts. We need to ensure flexible working arrangements so women can continue to progress in their careers while balancing the pressures of caring for a family. As professionals, we need to ensure we set realistic expectations for ourselves and the people we supervise. We need to learn how to manage workflows better and prioritize, as well as to provide capacity building to ensure staff are well-equipped to conduct their roles effectively. As human rights defenders, we need to ensure that we have security and risk protocols for physical safety and well-being. We also need to ensure that human rights defenders who experience burnout and mental exhaustion have access to safe places to heal and not be afraid of speaking out for fear of being unemployable in this field.

Some law Schools are also now providing critical training for the new generation of lawyers in 'trauma-informed lawyering'. UCLA Law provides a course on "Re-envisioning the Lawyer's Role: Trauma-Informed Lawyering and Restorative/Transformative Justice". They teach that Trauma-Informed lawyering includes developing awareness of manifestations of trauma in legal interactions, adapting appropriate communication skills and legal strategies, recognising the imperatives of legal ethics when working with mentally ill or traumatized stakeholders, and developing clinical-legal partnerships and referral networks as needed. They recommend support systems to address the "vicarious or secondary" trauma caused to lawyers by exposure to people who have been traumatized and the "institutional trauma" of working in organisations that lack trauma-informed training and programming.

We need to include trauma-informed care programming in our workplaces and personal lives, so we ensure our own self-care and manage vicarious trauma, to respond effectively to our clients' and beneficiaries' needs.

Finally, in our broader work of building human rights and feminist movements, we need to create mutually supportive networks and support systems. We need to be there for each other, support each other and cheer each other's successes and failures.

In a 2015 ICJ report on 'Women Lawyers and Human Rights Defenders in Africa' it was noted that civil society organizations in some African countries are facing increasing government interference in their work. Governments have been introducing legislation that restricts CSOs' ability to operate and attract funding. The impact of these restrictive measures on such organisations, combined with punitive measures that are frequently imposed on human rights defenders have, in many cases, made it difficult to sustain the momentum and motivation necessary to keep these organisations and movements alive.

Faced with such pressures, domestic, regional, and international solidarity, becomes incredibly important. While we may all experience different challenges, it is important that we are not suffering silently but rather raise our voices and support each other collectively. There are regional human rights defenders networks that I have found to be very supportive, such as the Southern Africa Human Rights Defenders network, and the Pan-African Human Rights Defenders Forum. Networks and associations of women lawyers such as these are also extremely helpful. The Atlas Women's Network supports women working in international law, by advertising open positions, promoting publications, and providing a safe space to discuss burnout, mental exhaustion, and other particular difficulties that we as women lawyers in this field face both at work and at home.

Finally, I would encourage all of us to be open to our experiences, share them with each other, and provide safe spaces where we can heal if needed and be able to continue carrying out the important work we all love and cherish.

She closed by stating that today's Women's Forum, as well as the broader SADC-Lawyers AGM, is an opportunity for exactly the sort of relationship and community building that can sustain us as lawyers and advocates and reiterated that embracing a human rights culture begins at home.

It was stated that Angola's constitution and the presidential decrees allow for support of female rights and are against domestic violence, national laws deal with Human Rights issues and there is budget for the female agenda in Angola. Angola follows the goals of sustainable development and the United Nations have stated that women are crucial to development. Unfortunately, many women do not believe this and are the face of poverty in many African countries. A woman once said, that if a woman does not have money to give to their children they do not have freedom. Financial freedom is real freedom. Culturally women have been taught not to earn money. We do not want to earn more than our husbands or peers.

So, how do we support women who still believe this and have a low level of education, no financial independence and so on? There is a lack of legalisation promoting gender equality. There is no real legislation supporting gender equality. Like in Brazil, there is a lack of financial transparency between couples and this needs to be challenged. In many cultures it is deemed a sin to be born a woman and women are treated poorly so women grow up in financial and mental poverty despite potentially having an education and earning money.

Women experience bigger financial disparity when they get divorced and often times men are better off than their spouses. The lack of financial transparency is detrimental to women in these cases and there are no laws protecting them.

Women are further impoverished by maternity leave and there are no laws that protect against this. Even taking on a legal matter is impossible for women as it is too expensive and they often have to settle for less.

In Angola a male lawyer earns more than a female judge despite the sacrifices women have to make. We need to educate clients on their rights but also on how

women should go about enforcing their rights without having a negative effect on them.

We should hold government accountable and demand that women be treated fairly as the pillars they are. This should include equal salaries, education, medical, birth licenses which include payment. The same policies should apply to maternity leave as remote working where possible. Domestic Violence needs to be addressed. In Angola poverty is being eradicated at all levels and in all geographical areas. Spiritual, material, financial, physical and emotional poverty should also be addressed.

How can this be done when some areas don't have basic needs such as electricity or internet? In rural areas women are still extorted based on cultural beliefs. Women are told to move out of family homes when the man of the house passes away and lose their homes to his family leaving her with nothing.

She closed by stating that there are international laws protecting people but we need local laws. Stronger local laws that protect women and there needs to be more information and education on woman's rights. As women we need to share wisdom and the skill that comes from that. We need to help each other and accept help from our male counterparts.

Ms Ngosa Simachela, Lawyer and Vice President, Law Association of Zambia closed the day's session and in summary highlighted the challenges faced by practitioners, corporate and Human Rights defenders but also personal experiences. She learnt that female lawyers need to gear up capacity and education, they need to implement policy changes like Zambia, advocacy and activism is very important, they need to capacitate themselves by creating and collaborating on different platforms – women need to help each other, self-care, mental and physical health is very important and women need to make it a priority and you need to identify your limitations and find ways around them.

She thanked everyone and the forum was closed. Delegates were invited to high tea and a networking session in honour of the first SADCLA Women Lawyers Forum.

#### **DAY 4 - THURSDAY, 21 SEPTEMBER 2023**

The attendees were welcomed by Dr. Luis Paulo Monteiro, Bastonario Angola Bar Association and Mrs Vimbai Nyemba, SADC-LA President.

A keynote address, a discussion on model law for human rights defenders, was delivered by Tanele Maseko, Vice Chair SAHRDN, Mary Lawlor, UN Special Rapporteur on Human Rights Defenders and Arnold Tsunga, Principal Managing Partner, Tsunga Law International.

The panel discussions were then opened with the State of Human Rights, Rule of Law, Democracy & Governance In SADC being the first.

*State of Human Rights, Rule of Law, Democracy & Governance In SADC*

The session was moderated by Mr Arnold Tsunga, Principal Managing Partner: Tsunga Law International Inc, and the panel consisted of Ambassador Salah. S Hammad from African Governance Architecture, Professor Khabele Matlosa from the AU Organ on Politics, Advocate and Ms Rose Hanzi, Executive Director: Zimbabwe Lawyers For Human Rights.

The panel found that the state of human rights in SADC is concerning especially in the face of the shrinking civil space and the threat to human rights defenders.

Within the SADC region, states have adopted money laundering and anti-terrorism legislation which came up following 9/11. However, these legislations are also being used to regulate the civic space in a way that is detrimental to democracy and human rights. There is a need for Bar Associations and SADCLA to work together towards a normative standard for constitutionalism with the sub-region. Most constitutions in the region centralise power thereby making accountability challenging.

Most constitutions in SADC member states contain civil and political rights and thus the focus on human rights is on civil and political rights. The politicisation of security within the region undermines democracy and human rights in SADC. Elections are an important measure of democracy, however, the credibility of elections in SADC is deteriorating and citizens are losing faith in elections and in governments.

All SADC countries have ratified the major human rights instruments but implementation of these human rights instruments remains a challenge. At AU level African countries, are facing challenges to implement human rights treaties. However, most SADC States have not domesticated the AU human rights instruments and have not made significant progress to reach the normative standards in the AU treaties.

The African Charter on Democracy, Elections and Governance (ACDEG) is a very useful instrument to consolidate democracy not only in SADC but Africa as a region but is the most underutilised treaty. SADC member states should be reminded of their obligations under the treaty and Bar Associations should play a leading role in their respective countries to engage their governments ACDEG.

The panel closed the discussion by stating that the current wave of unconstitutional changes of government (UCG) on the continent has potential to affect the SADC negatively. While the AU agenda 2030, aspires for a level of democracy where the threat of UCG is non-existent. The AU hopes for greater collaboration with regional Bar Associations, such as SADCLA to reach agenda 2030.

#### *State of Human Rights, Rule of Law: Different Perspectives & the SADC Tribunal*

The session was moderated by Mr Wilson Adao a Human Rights Lawyer from Angola and the panel consisted of Mr Sergio Raimundo, Mr Stanley Nyamanhindi CEO at SADC Lawyers Association and Mr Martin Dingake an Attorney at the Botswana Centre for Human Rights.

The panel identified the death penalty as one of the challenges for human rights in SADC as it is still on the statute books of most SADC states with Zambia being among the few on the continent that has abolished the death penalty. The panel agreed that SADCLA must work with Bar Associations to campaign for the abolishment of the death penalty in the region. The panel further stated that the independence of the judiciary is vital in the region and electoral disputes, particularly how presidential elections petitions are handled is a good indicator of the independence of a judiciary. In countries where election petitions are not handled well, the public confidence in the judicial arm is very low.

Each country in SADC has good and bad lessons to be taken away in light of democracy and human rights. Since SADC is the only region without a regional tribunal, there is need to seriously ensure that the SADC Tribunal with a human rights mandate is revived. The SADC Tribunal is very important in the face of failing democracy and human rights implementation in the SADC region.

Similarly, the SADC Parliamentary Forum (SADC-PF) has no legislative power but there is hope that it will evolve and become a regional parliament. Alongside the growth of SADC-PF, there is need for the SADC Tribunal to also be revived. SADCLA along with the Bar Associations should engage their governments to revive the SADC Tribunal or at least an apex court for the region.

The panel discussed and explored litigation as an avenue to revive the SADC Tribunal and referred to the judiciaries in South Africa and Tanzania which have already given good precedents and jurisprudence for the establishment of the tribunal.

The panel concluded that there is a need to create a normative standard for apex courts. One of the most important standards is diversity in terms of race, gender and even age. SADC-LA is working with Bar Associations against the politicisation of the judiciary and ensuring the sanctity of courts and the independence of the Judiciary to promote and protect Human Rights.

### ***The Initiative on Apex Courts Appointments: Filling the Gap In Guiding Principles***

Chairperson: Colleen Gwazani; Local Coordinator at Institute for Integrated Transitions

Panelists

- Professor Sujit Choudhry - Director, Center for Constitutional Transitions, Head of Chambers, Haki Chambers

- Mr Muchadeyi Ashton Masunda: Attorney; International Arbitrator; Former Mayor of Harare

The panelists highlighted that the criteria for appointing judges to the Apex Court are divided into two main groups: individual and collective criteria, emphasizing character, merit, and diversity. Individual inclusion criteria focus on judges' character traits, such as integrity, impartiality, independence, courage, and collegiality, along with their merit-based qualities like expertise, diligence, intellectual ability, creativity, and prior experience. Exclusion criteria involve criminal records, age limits, and conflicts of interest. Collective inclusion criteria stress the importance of viewpoint diversity, professional diversity, and

demographic diversity to ensure a wide range of perspectives within the Apex Court.

Regarding the appointment procedures, the guidelines propose a comprehensive process involving application and nomination procedures, interview and vetting procedures, and selection procedures. These processes can be overseen by either a single or multiple bodies, democratically established with statutory foundations. The guidelines encourage participation from the legal and judicial sector while maintaining a balanced approach to political involvement. Fairness, rigor, and transparency are highlighted as essential elements in appointment procedures to uphold the legitimacy and proper functioning of the Apex Court. Furthermore, the guidelines emphasize the public availability of criteria and procedures for accountability, recommending open procedures to mitigate corruption perceptions.

## **DAY 5 - FRIDAY, 22 SEPTEMBER 2023**

Dr Landilani Banda, Human Rights Lawyer, opened the fifth day with an overview of the previous day's discussions discussion on the state of human rights, rule of law, democracy and governance in SADC and take aways and opened the day's proceedings by introducing the first session on Climate Change.

*Opening Session: The Role of the Legal Profession in Promoting Climate Change Justice and Environmental Sustainability in Southern Africa*

*School of Instruction on Climate Change & Plenary Response*

The session was moderated by Mr Lungisani Zulu, President of the Law Association of Zambia and Inaugural Chair of the SADCLA Climate Change and Sustainability Committee and the panel consisted of Pascale Bird, Interim director of Legal Response International, Laurel Kivuyo, Environmentalist and Climate Expert, SAYOF

Mr Zulu commenced the session by broaching the definition of Climate Change and stated that it is a very important topic and in fact an issue legal practitioners should take a serious interest in. Climate change is an essential challenge for everyone. If gas emissions are not addressed, the planet as we know it will cease to exist, so the climate change agenda calls all of us to act and be responsive to the dangers caused by us.

As legal practitioners we are instruments of social change and we have a significant role to play in the Climate Change agenda and can play various roles in the climate change space including advocating for practices that are conscious of the dangers of climate change, how law firms are run and how businesses are run.

As Bar Associations, internationally, lawyers have been making significant strides to address climate change issues. For example, the International Bar Association (IBA) has taken a position on climate change. After the IBA, SADCLA this year, has decided to take a critical step in advancing and contributing towards the climate change agenda. SADCLA has therefore formed the Climate Change and

Sustainability Committee. The idea of this Committee is to sensitize each other as lawyers about the topic of Climate Change. It will advocate for support and discuss topics as members of legal profession such as how do we play a role in climate change and how do we raise awareness of the importance of climate change? This initiative was created by SADCLA to give its members knowledge on the topic and to discuss what we can do as lawyers in the space of climate change.

Speaking as the Law Association of Zambia (LAZ) President, he indicated that they have established a Climate Change Task Force as a committee of LAZ to support the members of the legal profession with knowledge to support initiatives. So as the SADCLA, Climate Change Committee, they call upon the leaders of Bar Associations to give climate change visibility in their spaces by creating specific committees which can speak to the issues of climate change.

He then proceeded to introduce the panel and introduced Ms Pascale Bird, Interim director of Legal Response International, first.

Ms Bird's presentation focused on the international climate change regime because this is where it starts and this is a process that has been ongoing for 30 years and it has implications for everyone including civil society, businesses etc.

In her presentation, Ms Bird discussed an introduction to Legal Response International (LRI), the context, the international framework, this being the UNFCCC, Kyoto Protocol and Paris Agreement, gaps in the Paris Architecture, implementation at domestic level; and final considerations.

LRI is based in London and its aim is levelling the playing field at the international climate negotiations by providing free legal support to developing countries lacking in legal resource capacity. This is achieved by creating a global network of lawyers from law firms and lawyers in different specializations such as international law, carbon markets, academia, bar associations and universities that acts as a database of legal advice and briefing papers on areas such as loss and damage or carbon markets.

Climate change is a cross-sectoral problem and not an environmental problem alone as it engages all sectors of countries' economies, and all aspects of a state's domestic policies and there is often a big mismatch of short-term electoral cycles of governments on the one hand, and the long-term vision and impacts of climate change. Countries have different interests, priorities, capacities, and vulnerabilities.

She proceeded to provide an overview of United Nations Climate Negotiations, key milestones of Climate Justice and the relevant legal frameworks. The first Convention was in Rio 1992 and its overall objective is to stabilise greenhouse gases. This was followed by the Kyoto Protocol which established legally binding obligations for developed countries to reduce greenhouse gas emissions. Because many countries did not sign up to be a party to the Protocol, negotiations continued and the Protocol became an important precursor to the Paris Agreement.

In Paris, at COP21 in December 2015, the parties to UNFCCC reached a landmark agreement to combat climate change and to accelerate and intensify the actions

and investments needed for a sustainable low carbon future. The Paris Agreement for the first time brings all nations to a common cause and undertakes efforts to combat climate change and adapt to its effects. The Agreement aims to hold global temperature rise to well below 2°C and to pursue efforts to limit warming to 1.5°C. Its implementation includes mitigation action through 5-yearly cycles of nationally determined contributions (NDCs).

Additionally, the Agreement increases the ability of countries to deal with the impacts of climate change, and at making finance flows consistent with a climate-resilience pathway.

The United Nations Framework Convention on Climate Change (UNFCCC) was adopted with the aim of preventing dangerous human interference with the climate system. Its guiding principles include –

- equity which deals with the obligation of developed countries to take the lead in emission reduction,
- the common but differentiated responsibilities and respective capabilities (CBDR-RC) which establishes that states are responsible for addressing global environment destruction the principle of specific needs and special circumstances of developing countries, the different kinds of parties to the UNFCCC is also applicable,
- the Precautionary Principle which states that parties must take precautionary measures to anticipate, minimize or prevent the causes of climate change and also to mitigate its adverse effects on the planet,
- the principle of sustainable development relates to the promotion of a type of growth which consumes less or fewer natural resources, and this means making production systems more resilient to economic, environmental and social crises such as sustainable or green job creation or market regulation for example and
- the principle of cooperation encourages parties to promote a supportive and open international economic system which would lead to sustainable economic growth and development for all parties, particularly developing countries which would therefore help them to address the problems associated with climate change.

She discussed the UNFCCC's key commitments, the Kyoto Protocol and the impending Paris Agreement as well as the provision under article 2, 4, 7, 8, 9, 10, 11 and 13.

She cautioned against the Paris Agreement as it is not all perfect. This is because there is no obligation to fulfil the NDC targets that have been set, there is no burden-sharing agreement or other binding arrangements on finance, as well as no mechanisms that can be used to ensure that countries are delivering, except for transparency. There are also no reviews of compliance mechanisms set out in the Paris Agreement which means it has no "teeth". She discussed and pointed out several shortcomings of the Paris Agreement.

She closed her presentation by stating that there should be a periodic review of the legal and institutional framework according to advances at the international or even at regional levels and scientific advances. We should be able to follow the implementation progress through data collection and national experiences and practices should in turn inform the evolution of the international climate regime.

Ms Laurel Kivuyo, Environmentalist and Climate Expert, SAYOF, gave a presentation on the interwoven challenges and opportunities in the battle against climate change, as we pave the way towards COP28.

The journey begins with the vulnerabilities of young people, women, and children in the face of this crisis. She explained that vulnerabilities of Young People, Women, and Children in the perspective of Climate change knows no boundaries, it affects us all, but its impact is not evenly distributed.

Young people, especially young women, and children are disproportionately affected as they endure disrupted education, health risks, and economic uncertainty due to climate-induced disasters. According to the IPCC report, climate change-induced disasters have already disrupted the education of over 1.6 billion students worldwide and yet, in the face of these challenges, the youth remain resilient.

Our young people, the heart and soul of our future, have emerged as climate innovators. They are not silent victims but active agents of change. From renewable energy projects harnessing our natural resources to reforestation efforts, they offer ingenious solutions that reduce carbon emissions while creating economic opportunities at the same time. According to a recent study by the SADC Climate Youth Network, they have initiated over 100 renewable energy projects, leading to a 20% reduction in carbon emissions in the region. However, they face hurdles being a lack of resources, platforms, and capacity-building opportunities. To unleash their full potential, we must provide the Youth with the resources, platforms, and capacity-building they need. Our youth are eager but require guidance and support to amplify their impact.

When engaging legal practitioners in the fight for Climate Justice, is where legal practitioners come into play. Our expertise in legal matters is a powerful tool in our fight for climate justice and can assist by –

**Legal Advocacy:** Lawyers, you hold a unique position of influence. Advocate for climate justice, support legal frameworks that protect our environment, and offer pro bono services to organizations fighting for change.

**Policy recommendations -** we can develop policy recommendations that align with our COP28 demands. Legal expertise can help craft effective and enforceable climate policies following the UNFCCC Principles.

**Education and Awareness –** Legal Practitioners can play a crucial role in educating communities and decision-makers about climate laws and regulations. By spreading awareness, you can drive positive change.

She made a call for lawyers to offer pro bono legal services to environmental and youth organizations working on climate-related issues. Legal expertise can help organisations to navigate complex challenges that we face in advocacy.

She closed by making a call for Action and implored each attendee to recognize the urgency of the climate crisis. And stated that it's not a problem for tomorrow; it's a crisis of today. Let us unite as a region committed to change. Let us prioritize the well-being of our youth, women, and children, and work tirelessly to combat climate change. Together, we can shape a future that is sustainable, just, and prosperous for all in the SADC region.

Discussions were welcomed the discussions and the intersections raised in law and business as well as climate change action. He shared their approach to Climate Change and explained how they have helped clients launch their Action Plan Campaigns on Climate Change by creating and using partnerships with clients through story telling on international platforms over the last three years. Explained that the way in which one tell a story is just as important as the story which one chooses to tell.

A story of a woman who was arrested in 1976 for organising what is now known as UA in South Africa and explained that she tells her story from a different perspective, being the African way of telling stories as opposed to the story told in the public. She tells the story by stating what happened in Mozambique or in Angola and states how those things inspired her to take action and create change, and she tells the story from basic simple actions or combined actions of what inspired the change.

Mr Zulu agreed with the way in which the previous speaker told her story and pointed out that often the story on climate change is led by scientists or environmental activists but there are so many stakeholders that are a part of their story. He stated that one should not just acknowledge that there is a huge crisis but we also need to have a vision. We should also be alive to the fact that for communities, they have a similar approach and it is that you can't present a solution unless people are informed.

He closed by stating that he sees synergies in the work we do in communicating and the work done by lawyers and hope we can continue to collaborate well.

Mr Zulu thanked the panellists for their valuable contributions and opened the floor for discussion and comment. After a though discussion the following recommendations were noted and the session closed –

- Leaders of Bar Associations are encouraged to give climate change visibility by creating specific committees which can speak to the issues of climate change.
- SADCLA should undertake to carry out periodic reviews of the UNFCCC legal and institutional framework according to advances at the international or even at regional levels and scientific advances.
- To unleash their full potential, SADCLA must provide the youth with the resources, platforms, and capacity-building they need. Our youth are eager but require guidance and support to amplify their impact.
- Engaging Lawyers in the fight for Climate Justice by advocating for climate justice, supporting legal frameworks that protect the environment, and offer pro bono services to organizations fighting for change.
- SADCLA can develop policy recommendations that align with our COP28 demands.
- SADCLA must recognize the urgency of the climate crisis.
- SADCLA must play a crucial role in educating communities and decision-makers about climate laws and regulations by spreading awareness to drive positive change.
- SADCLA must keep its eyes on the prize being COP28 and address its demands for this crucial summit.

- SADCLA should have the power to stand tall and discuss the decision to ensure that developed countries make a commitment to follow international agreements to mitigate climate change issues.

*Cyber Security and managing of a legal practice in the digital age*

The session was moderated by Mr Patrick Mpaka, President of the Malawi Law Society and the panel consisted of Dr Tawanda Hondora, Former Head of Rule of Law Commonwealth Secretariat, Ms Chipso Karwi, Digital Protection Facilitator Digital Society of Africa.

Mr Mpaka opened the session and welcomed attendees and panellist and thank everyone for their participation thus far. He then introduced the panellists and opened the floor.

Dr Hondora opened the session and discussed modern and new ways in which privacy is infringed upon especially in the cyber space. He discussed the dangerous of platforms, such as SHODAN, designed to access cameras and internet connections and dangerous it holds.

He discussed the importance of cyber security and practices that can protect one against cyber criminals. He then turned to legal practitioners, and lawyers in private practice, and the risks they face.

He discussed the evolution of crime in the cyber space and the challenges authorities face in investigating and prosecuting them. This result is risk for legal firms especially when practicing cross border.

He closed by reminding everyone to think about the serious implications and about your role as lawyers and your professional duty of confidentiality and what that means then in the current world about cyber security systems and protocols you need to put into place.

Ms Karwi followed and focused on possible solutions. He explained that there is the first line of defence, which password protection. He discussed the best practices in creating passwords.

He then discussed malware being malicious software. Malicious software is defined as any software that is designed to cause you harm and includes stealing information or destroying one's reputation. He discussed ways in which one can protect oneself against malware and ransom attacks by creating back-ups of data and installing anti-virus software.

He then discussed phishing attacks which is based on fishing as the cyber attacker does the same. The basis of what phishing is in technology. For example, someone who gets a message that says "you have won a million dollars in the lottery! Click this link for you to be able to access it" and we get excited, but then question is, did you play the lottery? No. He explained that these are malicious links that have what is called a malicious software attached to them, or the link may send you to a website where you will gladly enter your banking details and your password. In doing so you share your personal identifying information with a stranger.

He advised that the best line of defence is logic and we should not fall for obvious things

He then discussed spear phishing and wailing attacks as forms of phishing directed at specific individuals from information obtained on social media platforms and so on.

He closed by discussing website vulnerability and the risk involved in not securing your organisation's website. He warned against hackers who constantly check for vulnerabilities because that is how they make their money after exploiting vulnerabilities.

The floor was opened and several questions were asked around measures organisations can take to protect itself.

Mr Mpaka closed the session by summarising some lessons learnt and the main issues identified being -

- There is a risk of breach of confidentiality and a risk in how we use online services;
- There is a clear risk of breach of privacy. That is a serious risk that we have in handling our affairs in law practice;
- Thirdly, there is a risk of liability should a firms' network be compromised by a cyber-attack.

The last day was concluded with an smart gala dinner where delegates could enjoy themselves and debrief.

#### **DAY 6 - SATURDAY, 23 SEPTEMBER 2023**

The final day saw the delegates saying their last good-byes and departing back to their home countries with new and exciting ideas. SADCLA believes that the AGM was a success and look forward to hosting the AGM in Tanzania in 2024.