

TANGANYIKA LAW SOCIETY

WELCOME ADDRESS BY FELIX G. KIBODYA, PRESIDENT, TANGAYIKA LAW SOCIETY AT THE HALF ANNUAL GENERAL MEETING HELD AT CHIMWAGA HALL, DODOMA, TANZANIA ON 13th AUGUST 2010

**Your Excellency, Dr. Jakaya Mrisho Kikwete, President of the United
Republic of Tanzania,
Honourable Minister for Constitutional Affairs and Justice,
My Lords, Justices of Appeal and Pusne Judges present,
Honourable Regional Commissioner,
Resident Director, Friedrich-Ebert Stiftung in Tanzania,
Vice Chancellor, University of Dodoma, our host,
Distinguished Guests,
Learned Colleagues,
Ladies and Gentlemen!**

Your Excellency

It is my singular pleasure and honour to welcome you, Mr. President to our Round Table Seminar - a precursor to the Society's Half Annual General Meeting. In front of you is an assembly of learned advocates who are practising law in Tanzania Mainland and in certain cases, Zanzibar.

I also take this opportunity to welcome our guests from sister Bar Associations. Here I recognize the presence of representatives from Zanzibar Law Society, Ethiopia Bar Association, Uganda law Society and other regional associations present To all of you,

well come to Dodoma, the official Capital of the United Republic of Tanzania and the seat of our Parliament.

Your Excellency

Membership to the Tanzania Law Society is mandatory – so is the requirement to attend this meeting which form part of the continued legal education for advocates. This August Assembly is co-hosted by Friedrich-Ebert Stiftung. On behalf of the Governing Council of the TLS, I wish to thank the Foundation for lending support to this important meeting.

Your Excellency

Tanganyika Law Society is not like any civil society or NGO. We are a creature of statute – the Tanganyika Law Society Act, Cap 307 of the Laws. Section 4 of the Act sets out the objective of TLS and which include:

- a) To maintain and improve the conduct and learning of the legal profession in Tanzania
- b) To facilitate the acquisition of legal knowledge by members of the legal profession and others
- c) To assist the Government and the Courts in all matters affecting legislation, and the administration and practice of the law in Tanzania
- d)
- e) To protect and assist the public in Tanzania in all matters touching, ancillary or incidental to the law.

It is quite apparent TLS has broad and noble mandate. Although the Society primarily is member based, it owes a duty to the Public. Our members' advice clients; represent them in court; we are officers of the court and more important, we partner

with important stakeholders such as the Government in upholding the rule of law, human rights and democracy.

Your Excellency

Through self assessment, we are in a position to claim that Tanganyika Law Society has managed to live to the expectation both of its members and the general public. Let me enumerate some of the things we have done:

First, since 2006, TLS embarked on and implemented its strategic plan which includes advocacy and promoting our activities to the public. This move has significantly improved the Society's visibility and its relevance to the public.

Second, since 2007 TLS has launched what we call **National Legal Aid Day**. The event is held annually in the first week of November. When it was inaugurated in 2007 at the Mnazi Mmoja Grounds by Hon. Mary Nagu, then Minister for Constitutional Affairs and Justice, the Honourable Chief Justice Augustino Ramadhani attended and fully participated in providing legal advice to people who thronged the Mnazi Mmoja grounds.

The Legal Aid day is a success and a story well told. In this regard, we commend your Government by implementing the Legal Sector Reform Program through the Ministry of Constitutional Affairs and Justice in providing financial support throughout the years. I hasten to add that last year, the Legal Aid Day was commemorated at national level in Mtwara by the Hon. Minister for Constitutional Affairs and Justice. Moreover, the event took place in all 8 TLS Chapters namely, Dar es Salaam, Dodoma, Mwanza, Arusha, Tanga, Mtwara, Mbeya and Kigoma.

Apart from the Legal Aid Day, through the Legal assistance Committee, TLS provide free or pro bono legal services to people who cannot afford engaging advocates.

Third, through our Standing Law Committee, we have managed to provide invaluable input to the bills before or after deliberation by the National Assembly. As you may be aware, our membership enjoys expertise and experience in specific practice of the law ranging from those specialized in corporate law, academia and those in litigation. In this regard, we implore upon the Government to constantly tap into the immense source of legal expertise abundantly available in Tanzania instead of importing expensive foreign legal consultants who lack local knowledge and in majority of the cases are oblivious of our laws and practice.

Fourth, TLS has recognized the fact that the world economic order has changed. Tanzania as a country generally and Tanzanian lawyers specifically cannot extricate themselves from the global economic order. It is for this reason; we have introduced a mandatory continued legal education to our members. We have taken a conscious decision that all our members must clock at least 10 CLE points every year failure in which one cannot renew his or her practising certificate. The intention of institutionalizing this program is ensure that our members acquire sufficient legal and related knowledge and skills with a view to making them competitive as we move towards economic integration in the region. For, it is our firm belief that, a good lawyer must also be multi-skilled and to use the words of His Lordship Justice Lewis Makame in one of his landmark decisions: “ a lawyer *must have also travelled an appreciable distance in the highway of other professions or learning*”.

Fifth, TLS has managed to acquire a property along Migombani Street, Ada Estate, Dar es Salaam where we intend to construct the Legal Aid and Advocacy Centre (LAAC). The property was bought using own funds. In 2008 we organized a Fund Raising Dinner which was graced by your Excellency. I therefore take this opportunity to express our profound appreciation for supporting what we consider a noble cause for our society. At the moment, the Governing Council is devising financing strategies with a view to making LAAC become a reality. One of the strategies includes approaching the Government for possible support.

Sixth, TLS membership has steadily grown in the last 3 years - thanks to the Government for introducing the much awaited Law School of Tanzania. As a testimony to this, last June about 130 new advocates were enrolled most of whom being graduates from the Law School. The number is expected to improve further following the initiatives of the Honourable Chief Justice Augustino Ramadhani of creating multiple interviewing panels of the Council for Legal Education with a view to clearing the backlog of petitioners.

Your Excellency

I will be a belated coward if I only paint a rosy picture of our Society. We have our share of challenges. Let me mention a few:

First, TLS has not succeeded much in making justice accessible, especially to those who cannot afford it. Let me dwell on few statistics in order to demonstrate this point. Advocates on the Roll in Tanzania Mainland currently stand at 1,300. This number does not exclude those who have departed or retired from active practice. The number translates into 1 advocate for 31,000 Tanzanians. The Position in Kenya is radically different. The number of Advocates there is in the region of 8,000. More intriguing, is the number of advocates who are in parliament and in the cabinet have tremendously risen since 2008. In Uganda, the number of advocates on the Roll is in the region of 1,200. Nonetheless, like in Kenya, the ratio between an advocate to the population in Uganda is far much better than the case here at home.

Your Excellency

Although the statistics indicate that Tanzania rank at the bottom compared to our two East African partners, we hope this challenge will be resolved with the introduction LLB degree courses in a number of private and public universities and with the strengthening of the Law School of Tanzania. The improvement is visible because for the first time this year, Tanzania is now number 2 ahead of Uganda in terms of number of advocates.

Second, although TLS is undergoing structural reforms under the auspices of Legal Sector Reform Program, the pace and breadth of the reforms needs to be galvanized. For instance, both the new TLS and the Advocates Acts are yet to be reviewed and finalized. We need a sound legal and institutional framework if we are to do our job properly and to be held accountable. The two laws once finalized will cure some of serious deficiencies contained in the current laws namely:

- Remuneration Order: Under the current law, fees charged by advocates must be sanctioned by the President (not of TLS by your Excellency!)
- Enforcement of ethical standards and discipline: The current legal set up does not have effective machinery of enforcing discipline against the few errand members who, unfortunately, tarnish the image of the legal profession.

We hope the ongoing efforts to review the two laws will gain speed resulting into the two Acts being enacted as soon as possible.

Your Excellency

A strong bar cannot function without an independent judiciary. In this regard, we commend you personally for increasing the number of judges during your tenure and in improving working conditions of judicial officers. The swiftness of your decision to appoint new judges is a clear testimony to the importance you attach to the rule of law. In this regard, we urge the Government to finalize the implementation of the legal sector reform thereby realizing its Vision of access to **timely justice and for all**.

Your Excellency

In October this year our country will conduct its general elections, the 4th since multi party democracy was reintroduced in 1995. Moreover, similar elections have taken place in Burundi and Rwanda. On the other hand, Kenya has successfully conducted a referendum on the new constitution following 2007 disputed elections. In Zanzibar, the referendum for a government of national unity was recently carried out. In broad

terms therefore, this is a momentous period in our region. It is for this reason the Governing Council decided to choose the Theme of **Election and Democracy for this Round Table.**

We are mindful of the steps taken by your Government to ensure the forthcoming elections are free and fair. Such steps include enacting the election expenses legislation. As a Law Society, we have lodged an application with the National Electoral Commission to be accorded with an observer status. In this respect, we wish to inform you that one of our members performed similar task in just concluded elections in the Republic of Rwanda.

Perhaps it might also be relevant to inform you, that at our Annual General Meeting held in Arusha last February; we conducted a seminar centred on similar Theme. The seminar was attended by important stakeholders including the Chairman of the National Election Commission, Chief Justice, Speaker of the Parliament, to mention a few. All this underscores the importance we attach to the democratic process not only in Tanzania but in the region.

Mr. President,

I know, in few days, you and your Party will be engaged in campaign trail asking voters to renew your mandate. I also know that you will not be alone in the quest. To us as a law society, we wish only one thing namely, let the will of the people prevail and the will cannot prevail without a free and fair democratic process. We sincerely hope all candidates for the Presidential, Parliamentary and Councillor positions will adhere to the rules of the game. Gauging from the results of your Party's primaries, there are strong indications that after all, democratic change is not a taboo in Africa as some in the western world would like everybody to believe.

Your Excellency

I hope this **Round Table** will provide invaluable input to the democratic process in Tanzania.

I now have the honour and humility, to welcome the Honourable Minister for Constitutional Affairs and Justice to welcome your Excellency to address the Assembly.

Thank You!
