



TANGANYIKA LAW SOCIETY EXCOM 2019 -2020



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NEW YEAR 2020 GREETINGS

From the president of the Tanganyika Law Society,
Governing Council and The Secretariat

We would like to share with you some of the developments that took place in the whole year 2019 and shade some lights to the activities we endeavour to execute in this year 2020.

As you all know, TLS has crafted and adopted the new Strategic Plan 2020-2024 which will be guided by its Action Plan. The two instruments came into operation on January 1, 2020 with the Action Plan ending in 2022. During the entire period of our Strategic Plan and Action TLS will be operating through its Chapters.

Our Chapters will become key drivers of our operations in enhancing the rule of law, good governance, enhancing diversity, expanding civic space, accessing justice; and in assisting the Judiciary, Parliament in law making processes, government (both central and local government) in all angles.

In this regard, we are delighted to share with you some of our successes and challenges ahead of us as follows:

Successes and Plans for the Coming Years:

A. Provision of Services to the Members

1. TLS has been able to get an approval of its TLS Law Reports with their full citations this now removes the doubts that was cast on the Reports by some of the judges who regarded them as unofficial Law Reports. Cases reported in TLS Law Reports now are citable as other reported Law Reports;
2. TLS has supported its members to renew their practising certificates and renewal of their membership status through electronic system.
3. TLS in collaboration with the Judiciary, TLS has facilitated the issuance of practising certificates on-line to its members thus reducing costs;
4. TLS has been able to honour and recognise the services of long-serving members who turn 70 years of age by giving them exemptions of paying subscription fees upon application;
5. TLS has been able to issue Identity Documents (IDs) to all its members for 2019;
6. TLS continues to post information in the WAKILI database, TAMS, and TLS website to inform members and the general public on their membership status, profile and location;
7. TLS developed the WAKILI database where each member is registered and where she or he is located;
8. In collaboration with the Judiciary TLS identified members who serve in the public service and issued them with their own category of fees (Notary Public and Commissioners for Oaths);
9. Removed members (about 250 members) with unknown status from the List of Members and added them to the Deceased Advocates List;

10. TLS negotiated and procured an affordable health insurance scheme for its members with National Health Insurance Fund (NHIF) at the rate TZS 1,056,000/- to each of its subscribing members. Members of the TLS approved the procurement in September 2019 during the Half Annual General Meeting (HAGM) in Arusha. Members are encouraged to take advantage of this scheme;

11. TLS tentatively approved the application by Kigoma and Mara members to establish Chapters in their respective region. These Chapters are expected to be fully-fledged in 2020; and

12. TLS continues to issue TLS Members Directory to the general public so as to market their members and their businesses.

B: Protection of members

1. TLS defended its members who got arbitrarily arrested or charged for various offences by interceding for them in police stations and courts;
2. TLS actively participated in burial ceremonies of its departed members;
3. TLS in collaboration with the Deceased Advocates Trust Fund (DATF) provided financial condolences of TZS..... to the beneficiaries of the departed members;
4. TLS mediated cases of its members against their clients on various ethics matters;
5. TLS has enhanced security on its IDs cards that will be given to members for the year 2020. The cards will have security features; and

6. The Governing Council resolved to centralize the issuance of notary public stamps and to issue new notary public stamps and seals with enhanced security features so as to curb the misuse and forgery of notary public stamps which are so rampant at the moment and have put and stand to put many members into great risks;

C: Provision of Legal Aid Services to the Public

1. TLS provided legal aid services to members of the public at its Head Quarters and its 14 Chapters;
2. TLS provided legal aid services to members of the public in various fora such as the Law Day; Legal Aid Week, Sabasaba; Nanenane among many others;
3. TLS provided legal aid services to inmates and other accused persons through dock briefs in the High Court's District Registries countrywide;
4. TLS supported and protected the general public on interpretation of the laws and in courts through radio programs, publications, trainings and strategic litigation cases;
5. TLS awarded CLE points to its members who provided legal assistance through doc briefs; and
6. TLS provided legal education to members of the public through community radio programs in all its 14 Chapters.

D: Continued Legal Education to its Members and Public at Large

1. Provision of CLE courses through TLS HQ, Meetings, Conferences, Meetings and Accredited CLE Providers;
2. Provision of Legal Materials such as 2 Journals of Tanzania Lawyer; 1 Legal Aid Journal and publication of the TLS Law Reports;
3. TLS has provided Practising Notes to its members through CLEs and other means;
4. TLS has diversified its CLE programs to include other professionals and experts so as to expand the competency of its members and other professionals serving the general public;

5. TLS has continued to provide 25 types of Self Help Kits to members of the general public;

6. TLS has provided education services through TLS website and database;

7. TLS is in the final stages of establishing a Professional Enhancement College that will be a college of continuous legal education through modularised courses both short and long terms.

E: Provision of Services to the Judiciary:

1. Attendance to Bench-Bar meetings at regular intervals in all 14 Chapters in the country;
2. Representation of members' in various cases at all courts, arbitration; centres and mediation bodies;
3. Actively participated in various functions of the Judiciary such as the Law Day and Sabasaba;
4. Continued to supply legal materials and judgements through TLS publications such as TLS Law Reports, and Journals;
5. Formed the Arbitration Centre-The Tanzania Arbitration Centre (TIAC) which will mediate and arbitrate disputes between members of the general public on pro bono and commercial rates;
6. As already reported above, TLS supported the Judiciary in renewal of members' practising certificates. So far a total of 1,559 advocates have renewed their practices.

F: Advising the Parliament on Law Making Processes

1. TLS participated in the provision of expert opinions on 17 bills before they were enacted into laws. Thus TLS has lived up to its mission of representing the public in law making processes before the National Assembly by presenting position papers and commentaries on Bills before they were passed;

2. TLS presented expert opinions on 3 international conventions before they were ratified into laws;

3. TLS supported the Parliament to review the National Budget and provided its position;

4. TLS supported individual members of the Parliament to review bills and come out with proper comments on the Bills during Parliamentary debates;

5. TLS strategically, supported capacity building to other stakeholders in the civil society organisations and trade unions on the law making process and bills' analysis.

G: Provision of Advisory services to the Government

1. TLS through a co-creation approach has been able to develop a policy brief on the reform of Criminal Justice System in Tanzania and presented it to the Government's Working Team for its necessary action;

2. TLS's representatives in various government bodies continued to offer professional advice as members in those statutory boards and committees;

3. Issued a total of 6 press statements to advise and inform the Government on proper administration of justice in various areas where there were apparent violations of the law by those vested with power;

4. TLS supported the Government in provision of legal aid services to the public through various fora starting from its legal aid centres, annual events such as the Legal Aid Week, and dock brief representations; and

5. TLS provided advisory services to the Government's ministries and agencies, Judiciary, and Parliament through courtesy visits paid by the members of the Governing Council, TLS Representatives, Committees, and Chapters.

H: Institutional Development

1. TLS developed and approved a new TLS Strategic Plan 2020-2024 and its Strategic Action Plan 2020-2022;

2. Completed the registration/formation of TLS/Wakili Trust to safeguard and manage its properties;

3. TLS finished the construction and inaugurated the Wakili House which is TLS'S home;

4. TLS acquired lands in Dodoma, Mtwara, and Mbeya;

5. TLS reviewed its engagement with sister bar associations in eastern Africa, southern Africa, in the Africa, Europe, North America and Asia with a view of strengthening its relationship and expand the resource mobilization base;

6. TLS conducted two statutory Annual and Half General meetings in April and September 2019, respectively;

7. TLS conducted its annual elections and installed its leaders as required by law;

8. To enhance access to information to its members and public at large, TLS re-constructed its website, expanded its capacity and from now onwards it is able to publish all its information in the website regularly

9. TLS will review all its policies, regulations and rules to align with the current Strategic Plan 2020-2024 and Strategic Action Plans 2020-2022; and

10. TLS will put in place a Communication Strategy that will enhance its communication to its members and all its stakeholders;

I: TLS Financial Compliance and Enhancement

1. TLS will regularly conduct quarterly budget performance review and inform its members so as to match the income and services provision to its members;

2. TLS has established an endowment fund that will be generated from its general budget to support long-term projects and unpredicted events;

3. In making sure that TLS funds are properly managed, TLS maintained and benefited from the advice of its Audited Committee;

4. TLS adopted best practice for the position of the TLS Honorary Treasury and ensured that anyone serving in such a position has to have an experience of at least 10 years in the audit /accounting practice;

5. Expanded the financial base of income from TZS 4.8 billion in this year to TZS 12 billion in 2020 through identification and tapping resources from new funding sources and development partners; and

6. Timely developed the institutional budget for 2020.

J: Enhance Membership Participations in TLS Activities

1. TLS ensured adequate representation of Chapters in the development of the TLS Strategic Plan 2020-2024 and Strategic Action Plan 2020-2022;

2. TLS enhanced the formation of various TLS Committees (17 committees) enabled members to engage in the implementation of its activities;

3. TLS will soon put in place a volunteer policy that will enable and enhance members' participation in implementation of all TLS activities;

4. TLS will, immediately from 2020 financial year, recruit law firms and or organisations to support the implementation of its activities on voluntary and retainer basis; and

5. TLS has expanded the scope of members from individual membership to law firms and CSOs working on rule of law and access to justice.

Challenges

1. In the process of reviewing its founding Act, the Tanganyika Law Society Act, the TLS Governing Council and as an institution as a whole faced a challenge of receiving a new bill that proposes to amend the TLS Act.

The amendments seek to, inter alia, introduce a representative general meeting, which will be empowered to elect TLS leaders.

TLS being a membership society sees this proposal a danger to it and will divorce members from their Society. Its leaders will be far removed from the members and can easily be manipulated by outside forces.

The Governing Council met this threat by asking all Chapters to deliberate on the proposed amendments which will be collated and submitted to the relevant organs to avert this legislative calamity;

2. In the Government's quest to control economic sabotages and corruption, some TLS members have been arbitrarily arrested by police and charged or joined by their clients in money laundering cases. Money Laundering charges have been slapped on advocates without equivocation by the prosecution as weapon to cow them into submission even to threaten them from representing their clients. Other advocates slapped with money laundering offenses have been forced to take a plea bargain even though the prosecution has no evidence to prove its case against them. This a threat to legal practice in Tanzania that members are invited to marshal together their skills, intellects, energy and time to combat.

3. TLS representatives in statutory bodies have not been proactive to report back to TLS on how they are discharge their functions in those bodies and how they are representing TLS's positions. The Governing Council will work hard to meet with these members to appraise them of their roles and responsibilities;

4. The Society is in a huge challenge of fake advocates commonly known as Vishoka and unethical lawyers who deliberately misuse their notary public stamps by giving them to unqualified individuals to administer oaths, notarize and certify documents, in busy places such as The Immigration Department, Tanzania Revenue Authority and National Identification Authority . TLS is cooperating with law enforcing organs to net all those involved in these acts.

5. Non-payment of TLS's subscriptions fees by some of the members is a growing problem. TLS cannot serve its members well if its members are not prepared to pay their fees. A members' society is supposed to be funded by its members.



Members who fail to pay their fees will automatically be prevented from practising law in the country.

6. Inactive participation of members in international fora. TLS is a member of the EALS and SADC. In both, TLS rank second after Kenya and South African respectively in number of members! However, TLS members are the last in participating in these societies meetings and activities. The least participation in these societies denies TLS members the benefits offered by regional integration and cross-border practice.

All in all we as members of the legal fraternity in Tanzania we should look the coming year 2020 we renewed optimism and sense of purpose. We should unflinchingly confront the dark forces that are threatening the rule of law in our country, we should strive to represent our clients competently and courageously, expose those who violate the law, or abuse their powers and make TLS more relevant to the lives of ordinary Tanzanian. We should never give in to those who tell us to look the other way when those in power violate the Constitution and the laws of the land. We should also file public interest cases to vindicate our constitutional democracy.



NEW TLS STRATEGIC PLAN HINTS (2020-2025)

The Tanganyika Law Society (TLS) is the Bar association of Tanzania Mainland. TLS was founded in 1954 by an Act of the Legislative Assembly i.e. the Tanganyika Law Society Ordinance 1954. The Tanganyika Law Society is currently governed by the Tanganyika Law Society Act, Cap 307 R.E. 2002, which repealed the earlier legislation and has been amended from time to time. Section 4 of the TLS Act provides for wide range of TLS objectives which include the inward looking objectives and the outward looking mandate,

1.1 Mandate on TLS Membership

- to represent, protect and assist members of the legal profession in Tanzania as regards conditions of practice and otherwise;
- to maintain and improve the standards of conduct and learning of the legal profession in Tanzania;
- to facilitate the acquisition of legal knowledge by members of the legal profession.

1.2 Mandate to the Tanzanian Public

- to protect and assist the public in Tanzania in all matters touching, ancillary or incidental to the law;
- to maintain and improve the standards of conduct and learning of the legal profession in Tanzania;
- to facilitate the acquisition of legal knowledge by others.

1.3 Mandate to the Tanzanian Government and Judiciary

- to assist the Government and the Courts in all matters affecting legislation, and the administration and practice of the law in Tanzania;
- to maintain and improve the standards of conduct and learning of the legal profession in Tanzania;

1.4 Mandate in TLS Self-Sustainability

- to acquire, hold, develop or dispose of properties of all kinds, whether movable or immovable, and to derive capital or income from them, for all or any of the foregoing objects;
- to raise or borrow money for all or any of the foregoing objects in any manner and upon any security which may from time to time be determined by the Society;
- to invest and deal with moneys of the Society not immediately required in any manner which may from time to time be determined by the Society;
- to do all other things which are incidental or conducive to the attainment of the foregoing objects or any of them.

Our Vision

To become an independent bar association for a just society.

Our Mission

To create a conducive environment for the legal fraternity, facilitate the acquisition of legal knowledge, represent, promote and protect Members; to support the State Organs in legislation and administration of rule of law; and assist the Public to access justice in sustainable professional standards.



SIRD PRO BONO/LEGAL AID LAWYERS TRAINING



SIRD - TLS PRO BONO LAWYERS' TRAINING
DATE: 29TH - 30TH JANUARY 2020
VENUE: MALAIKA BEACH RESORT LTD - MWANZA, TANZANIA



The Tanganyika Law Society (TLS) in collaboration with the Canadian Bar Association (CBA) under a five-year project (Supporting Inclusive Resource Development in East Africa (SIRD)) aiming to increase sustainable economic growth for East Africans; in particular, women and vulnerable groups, affected by extractive industries conducted a two days training for Pro Bono /Legal Aid Lawyers.

The training equipped private lawyers offering pro bono legal services and legal aid lawyers in Tanzania with pragmatic legal knowledge and best practices (skills) that will enable them to provide inclusive and gender responsive representation of host communities affected by the operation of extractive industries.

The ultimate objective of this training is to reduce harms and maximize positive outcomes for women and communities affected by mining, oil and gas industries.

Speaking during the opening remarks, The Tanganyika Law Society Chief Executive Officer, Advocate Kaleb Gamaya said that, the session examines the substantive and procedural laws relevant to extractive industry and legal aid practice in the host communities. And that includes but not necessarily limited to; Intersecting gender considerations and responsiveness across the extractive sector, community consultation and engagement, Land acquisition, resettlement and compensation and community grievance/dispute resolution mechanisms”.

Also lawyers reconnoitered the special practice skills on dealing with vulnerable and marginalized people: such as Trauma informed lawyering that deal with clients who have had trauma, like victims of violence, illiterate clients or clients who cannot speak English, clients with diminished mental capacity or clients with mental health problems who cannot properly instruct their advocate.

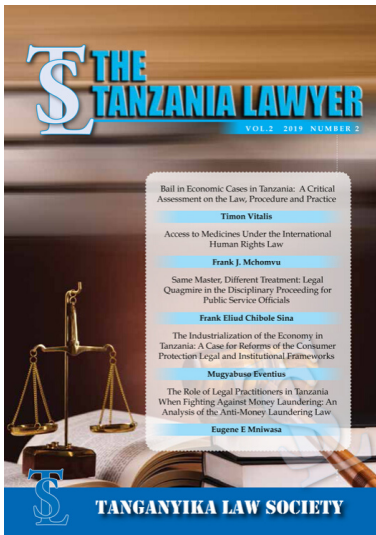


Professional responsibility and ethical considerations when dealing with vulnerable groups was the key area that was discussed by the trainer, Aisha Sinda.

The training also focused on general legal practice skills when dealing with vulnerable groups like how to interview vulnerable clients effectively, how to prepare simple but effective written pleadings, how to write contracts, and how to do effective advocacy in court.



CALL FOR ARTICLES FOR THE TANZANIA LAWYER JOURNAL



The Editorial Board of the Tanzanian Lawyer invites legal scholars and practitioners to submit articles and essays on areas of the law that are currently of interest to the legal profession.

The Tanzania Lawyer is the official Journal of the Tanganyika Law Society, the premiere Bar Association for Mainland Tanzania.

It should be noted that the Journal is also published internationally through Lexis Nexis who are the publishers, and for the advocate submitting his or her article will be accorded two (2) CLE points to that effect.

Submissions are accepted on a rolling basis throughout the year. The manuscripts that are considered for publication have to meet the Journal editorial criteria. Kindly find the attached editorial policy and in house style for your guideline.

**IN CASE YOU MISSED IT!
INAUGURATION OF TANGANYIKA LAW SOCIETY WAKILI HOUSE BY HIS LORDSHIP HON. PROF. IBRAHIM HAMIS JUMA, THE CHIEF JUSTICE OF UNITED REPUBLIC OF TANZANIA.**



We encourage members of the TLS and other Scholars to utilize this platform effectively by submitting articles and other writings as earlier as possible so as to give enough reviewing time to Internal and External reviewers.

Electronic submission should be sent through publication@tls.or.tz

For more clarifications, you may contact Ms. Beatrice Cherdiel through 0779626280 or via e-mail provided above.



INFORMATION FROM CLE DESK



TLS conducted 13 remedial seminars in Dar es Salaam and Kilimanjaro; the said seminars were targeted to members who had insufficient CLE points in the year 2019 to enable them to attain 10 CLE points and to renew their practicing certificate for the year 2020.

A total of 792 members attended the mentioned seminars.

It is our sincere call to members to attend regular CLE's effectively so as to avoid unnecessary inconvenience during the renewal of practicing certificate.

Some of the topics were;

Introduction to identity theft and money laundering - Mr. Samuel Waweru from Kenya School of Government.

Conflict resolution and management at the workplace - Prof. Wariara Kariuki - Lecturer from Jomo Kenyatta University.

Legal and practical considerations in Insurance compensation Claims and Dispute Resolution - Mr. Aderickson Njunwa.

Forex, cryptocurrency and CFDs; fundamental precepts - Mr. Adams Fupi - A guru in foreign exchange market

Money Laundering and Terrorist Financing Risk Assessment by Lawyers: Practical Tips and Tools -Dr. Wilbert Kapinga

How to prepare legal opinion for loan syndications and majority share acquisitions - Dr. Eve Hawa Sinare and

Preparation of legal documents in assurance of municipal bonds and capital markets -Mr. Jonathan Andrew Sallanga Njau



OBITUARY

It is with deep regret that we inform you of the death of TLS members that happened in January 2020 as follows,

Advocate Chieldrick Jaribuni Komba, Roll Number 606 who passed away on 2nd February, 2020 at Muhimbili Hospital in Dar es Salaam due to sickness,

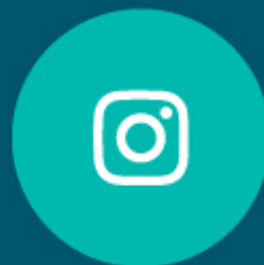
Advocate Bernard Andindilile , Roll Number 6824 who passed away on 26th January, 2020 at KCMC Hospital in Moshi due to sickness.

Advocate Hilda Gordian Soko, Roll Number 3174 who passed away on 25th January, 2020 at Ocean Road Hospital in Dar es Salaam due to sickness,



Advocate Apollo J. Maruma , Roll Number 443 who passed away on 18th January, 2020 at KCMC Hospital in Moshi due to sickness.

MAY THE ALMIGHTY GOD REST THEIR SOUL IN ETERNAL PEACE, AMEN.



@tanganyikalawsociety

THE END - THANK YOU