

# THE TANGANYIKA LAW SOCIETY (TLS)



## THE ANNUAL REPORT OF THE GOVERNING COUNCIL TO THE 2015 ANNUAL GENERAL MEETING OF THE TANGANYIKA LAW SOCIETY

February  
2014 - 2015





**From 1955-2015**

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## LIST OF ABBREVIATIONS

AGM	Annual General Meeting
HAGM	Half Annual General Meeting
TLS	Tanganyika Law Society
LAU	Legal Aid Unit
LAS	Legal Aid Secretariat
CLE	Continuing Legal Education
LHRC	Legal and Human Rights Centre
MOU	Memorandum of Understanding
EAC	East African Community
UNICEF	United Nations children Education Fund
MRA	Mutual Recognition Agreement

# TLS GOVERNING COUNCIL



Charles Rwechungura  
President



Flaviana Charles  
Vice President



John Seka  
Honorary Treasurer



Francis Stolla  
Immediate Past President (IPP)



Nuhu Mkumbukwa  
Member



Bharat Chadha  
Member



Peter Heller  
Member



Dr. Natujwa Mvungi  
Member



Danniell Welwel  
Member



Maria Matui  
Member



## FOREWORD FROM THE PRESIDENT



**MR. CHARLES  
R.B. RWECHUNGURA**

It was a huge privilege for me to serve the Society for yet another term in 2014. It was quite exciting for me bouncing back to the Law Society driving seat after eight years.

The governing Council in 2014 found itself amidst very busy year with major change drive. The change was stirred by the evolving landscape of legal practice and the structure of the legal profession. There is a tenfold increase in membership between my first spell as President and now, with so much young blood in it. With these realities and the fast pace of transformation, the Council immersed in the task of defining and redefining the approach of the Law Society using the key tools of continuing legal education; joining hands with the judiciary to address practice licensing; modality of organization and association amidst diverse interests in terms of age groups, geographical distribution, gender; and nurturing respect to our own Code of Conduct and professional ethics.

Competing interests over jurisdictional boundaries and migration over geographical areas equally painted the 2014 term of the Council with heightened dialogue over Mutual Recognition Agreements (MRA) and Cross border legal practice in East Africa. Unprecedented inflow of foreign capital, trade and services into the Tanzania has equally broken boundaries in the legal services import into this particular market with a sizeable share of market benefits finding its routes to foreign jurisdiction. The demand for the Law Society to respond became even more critical at this particular time.

The 2014 Calendar yet exerted external pressure to the profession featured with the bustling constitutional review activity in the country. The Council was again fascinated spellbound to exert its own influence in this sentimental public process. Of course, the challenge is still ripe in 2015 as we head towards Constitutional referendum and general elections. A collective action by the legal profession is a must given the fact that we are the most favored elite group best elevated to influence distribution of values and resources in the society through such public processes.

A responsive Secretariat holds the centerpiece to the transformation of the Bar by providing the best possible support, training and opportunities for the legal profession. As such the Council undertook a long, careful and painful recruitment task that has doubled the size of the Secretariat in 2014.

If we are to produce benefits to the membership, and remain relevant to the public, we need to be flexible in the way we organize ourselves; the way we allocate our resources; increase cooperation between diverse interest groups within the Bar; build strong governance teams in the Council, Committees and Chapters; and facilitate learning and making use of best practices across the profession.

This is the big picture that the Council envisioned in 2014. It is my sincere belief that all these structures, properly defined, will provide an assurance of a sustainable and collective advancement of the Bar and a more meaningful profession to the clients, the public and the government.

On behalf of the Governing Council, I extend my sincere appreciation for the faith bestowed on us throughout 2014.



**Charles Rwechungura**

**President**

**February 2015**



**Mr. Kaleb L. Gamaya**

It is about six months now since I joined the Secretariat in late August, 2014. Being a member of the Tanganyika Law Society, I had a lot of ideas in my mind to bring to the Secretariat by the time I joined the Secretariat. Slowly but steadily, I am holding the ground on one idea after the other without destabilizing the strong foundations of my predecessors. I am enjoying a positive cooperation from my co-staff, and I am enjoying a positive guidance of the Governing Council. I am sure, with the pace we are taking; TLS will be able to achieve what has been planned for the coming three years of the Strategic Plan 2013-2017.

Allow me to say that, when I joined the Society, the Governing Council of the Tanganyika Law Society gave me a copy of the Strategic Plan as my working tool for the life span of my contract. I took it, and as a working document, I had to internalize what is in it. After three to four days of a critical contemplation, I felt moved to conduct an internal consultation. It became apparent that the vision of the serving Council, expectations of Chapters and wishes of the Secretariat were not captured vividly in the existing strategic plan. As such, I had to move an internal working session that would, practically, re-define the objectives and activities so as come out with practical outcomes and outputs within the specified period. We did that, and with a support of the Governing Council, I am glad to inform you that we now have a revised practicable Strategic Plan that instills more confidence to the implementers.

In short therefore, let me say that the direction of the Society within the coming three to five years will be envisioning *"A Society that is Just"* by translating a mission statement which focuses at *promoting and protecting access to justice for all with a sustained professional standards*. As such, in order to make an impact to the development of the legal profession, access to justice and rule of law and within the vision and mission statement, the functions of the Society will be governed by four key strategic areas as follows:

1. Members services development and compliance
2. Access to justice and Rule of Law
3. Legal Knowledge Creation
4. Institutional Development

To achieve the above, every key strategic area mentioned is translated into a strategic objective with its main activities as highlighted below:

**1. To deliver membership development services and ensure to compliance.**

- 1.1 Develop and implement competence-based CLE Curriculum;
- 1.2 Enforce/ ensure compliance with professional ethics and standards;
- 1.3 Promote professional partnership with like-minded and stakeholders in the administration of justice;
- 1.4 Explore options for professional risks and life assurance/insurance.

**2. To promote access to justice and rule of law.**

- 2.1 Empower indigent, vulnerable, and marginalized people to access justice;
- 2.2 Advocate for legal, practice and constitutional reforms;
- 2.3 Promote ADRs i.e. mediation, reconciliation, arbitration etc.
- 2.4 Advocate issues of public interest in the emerging extractive industries sector.

**3. To facilitate knowledge creation while promoting ICT and publicity of TLS.**

- 3.1 Facilitate establishment of the knowledge resource base and publications;
- 3.2 Facilitate ICT, Networking and resource base centre;
- 3.3 Enhance TLS Visibility;
- 3.4 Promote professional and competence enhancing reading culture;
- 3.5 Undertake knowledge creation thematic research.

**4. To strengthen the institutional development capacity of TLS.**

- 4.1 Enhance corporate governance within TLS;
- 4.2 Strengthen the capacity of TLS Organs;
- 4.3 Strengthen TLS M&E system;
- 4.4 Maintain organisation finance.

With these strategies of the Strategic Plan, I am confident that the Society will be sailing in a proper direction for the remaining three years of its implementation of the Strategic Plan 2013-17. Let us join hand and support the Secretariat in the implementation of the cause that we can all feel proud.

**Sincerely,**  
**Kaleb L. Gamaya**  
**February 2015**

This report covers key activities of the TLS from 1<sup>st</sup> January 2014 to December 31<sup>st</sup> 2014. This Report reflect the achievements Vis a Vis the strategic objectives as reflected Strategic Plan 2013 - 2017.

As this Council commenced its tenure in February 2014, the period was a trial moments phase as far as capacity of the Secretariat was concerned. The situation was well summarized in the words of the President in his foreword to the TLS June 2014 Newsflash:

**“We inherited a Secretariat that was populated by only a half of the number of the staff required to manage the activities of the Society, and the Head of the Secretariat had just resigned. The few individuals available were all juggling more than two chores and at times weariness was writ large on their face. We painstakingly and successfully embarked on a recruitment drive and I am pleased to report that we now have an adequately staffed new-looking Secretariat”.**

The strengthening of the Secretariat is the jewel in the crown that Council has worn and for that case, it will be reported immediately below.

### Enhanced Human Resource Capacities

In recognition of the fact that the success or failure of all the substantive business of the society is entirely dependent on the maintenance of a strong, vibrant, flexible and learning institution, this program focuses on the institutional and organizational development of the society. The Council approved restructuring of the Secretariat in 1<sup>st</sup> Quarter of 2014, opening up new vacancies within the Secretariat. This went hand in hand with the filling up of existing positions that were vacant. From a secretariat of ten (10) staff members, the secretariat has grown to twenty two (22), exclusive of temporary employees. The number is expected to reach 25 by March 30<sup>th</sup> 2015.

#### (a) Recruitment of New Staff Members

The officers who were recruited were:-

1. Mr. Kaleb Gamaya (Chief Executive Officer)
2. Ms. Bahati Edward (Programme Officer Legal Aid);
3. Ms. Esther Theophilo (Assistant Accountant);
4. Mr. Amadeus Shayo (Assistant Programme Officer – Ethics and Compliance);
5. Ms. Judith Kapinga (Assistant Programme Officer – Publication and Visibility);
6. Mr. Philipo Emilian (Communications and Systems Administrator); and
7. Mr. Thobias Focus (Driver);
8. Mr. Edvine Mwakibasa (Internal Auditor);
9. Ms. Gloria Baltazari (Programme Coordinator – Mbeya Office);
10. Ms. Celina Kibasa (Assistant Programme Coordinator – Mbeya Office);
11. Mr. Elias Leonard (Advocate – Mbeya Office);
12. Mr. Nelson Frank (Advocate – Mbeya Office); and
13. Ms. Hepifania Mbele (Administrative Assistant – Mbeya Office).

Moreover the secretariat is in the process of recruiting Administrative/Executive assistant, Assistant Programme Officer – Law Reform and Litigation and Assistant Programme Officer – Legal Aid. These positions are expected to be filled by March 2015.

### **(b) Staff retention**

Staffs retained at the TLS Secretariat in the period under review are:

1. Mr. John Mwang'ombola – Finance and Administration Manager.
2. Mr. Alphonse Gura – Programme Officer –Funding and Grants.
3. Ms. Mariam Othman – Program Officer – Member Services.
4. Mr. Stephen Msechu – Program Officer – Policy, Research and Publications.
5. Mr. Seleman Pingoni – Monitoring and Evaluation Officer.
6. Ms. Sylvia Lubuva (Member Services Assistant); and
7. Mr. Eliyuko Jonathan (Library, Records and Documentation Assistant).
8. Ms. Sophia Omari – Office Assistant.
9. Benedict Bagiliye – Project Coordinator (SAJCEA).

In the period under review, Ms Rehema Bigge left TLS to join the Bank of Tanzania. Ms. Bigge served TLS for 13 years in the capacity of Administrative and Accounts Assistant since 2002.

### **(c) Promoting Good Working Environment, Staff Motivation and Compensation, and Development of a Scheme of Services**

In the period under review, the Council reviewed the salary structures and benefits package for all staff. The Human Resource Management Policy has been substantially reviewed with a view of promoting better working environment. The expected outcome, with improved working conditions and staff motivation and compensation, is an increased staff performance and reduced staff turnover to a target of 80% by 2017.

## **Regular Meetings of the 2014/2015 Council of the Tanganyika Law Society**

For the 2014 year, the TLS Governing Council 2014/15 has met twice in ordinary sessions and twice in special sessions on the dates indicated in the table below:

Date	C. Rwechungura	F. Charles	J. Seka	F. Stolla	B. Chadha	N. Mkumbukwa	M. Matui	N. Mvungi	D. Welwel	P. Hellar
26.02.14	P	P	AP	P	AP	P	P	AP	P	P
08.03.14	P	P	P	P	P	P	P	AP	P	P
01.05.14	P	P	P	P	P	P	P	P	P	P
14.06.14	P	AP	P	P	P	P	AP	P	P	AP
29.07.14	P	P	P	P	AP	P	P	P	P	P
8.11.14	P	P	P	P	P	P	P	AP	AP	P
7.2.15	P	P	P	P	AP	P	P	P	P	P
10.2.15	P	P	P	P	AP	P	P	P	P	AP
Attendance in percentage	100%	88%	88%	100%	44%	100%	88%	55%	88%	77%

**P** = Present

**AP** = Apology

The Councils' governance in 2014 has generally been effective. The effectiveness is rated from the smooth elections of the Council members in the February 2014 AGM, the setting of clear objectives by the Council for the year 2014 in-line with the Strategic Plan 2013/17, access to documents/information by the Council members, the collaborative creation of agendas by the Council for the Council meetings, the creation and follow-up of assigned action items to the Secretariat.

## Other Membership Issues

### Departed Colleagues

The following advocates Passed away during the period under review;

S/N	NAME OF AN ADVOCATE	ROLL NUMBER	DATE OF DEATH
1.	George B. Liundi	Roll no. 388	16 <sup>th</sup> January 2014
2.	Basil Mkwata	Roll no. 581	05 <sup>th</sup> March 2014
3.	Linda Mulungi Bukagile	Roll no. 1720	14 <sup>th</sup> April 2014
4.	Stephen J. Awas	Roll no. 1783	22 <sup>nd</sup> April 2014
5.	Luke George Seyayi	Roll no. 3596	14 <sup>th</sup> May 2014
6.	George A. Koga	Roll no. 781	13 <sup>th</sup> June 2014
7.	Joachim R. Marandu	Roll no. 341	21 <sup>st</sup> June 2014
8.	Sam J. Lemboko	Roll no. 412	1 <sup>st</sup> July 2014
9.	Nyikiza J.R. Bashaka	Roll no 529	29 <sup>th</sup> July 2014
10.	Lewis M. Makame	Roll no. 1438	18 <sup>th</sup> August, 2014
11.	Sarah S. Chambo	Roll no. 3537	24 <sup>th</sup> September, 2014
12.	Andrew Rwechungura	Roll no. 1713	05 <sup>th</sup> October, 2014
13.	S.L. Katabalwa	Roll no. 415	31 <sup>st</sup> October, 2014
14.	Leonard M. M. Makoye	Roll no. 2317	04 <sup>th</sup> November, 2014
15.	Pauline Kasonda	Roll no. 568	16 <sup>th</sup> November, 2014
16.	Mwamvita Kabwanga	Roll no. 1362	20 <sup>th</sup> November, 2014
17.	Leonard M. Mashala	Roll no. 2912	23 <sup>rd</sup> November, 2014
18.	Joshua Oguda	Roll no. 1868	30 <sup>th</sup> November, 2014
19	Daniel Raphael Nkene	Roll no. 1757	23 <sup>rd</sup> January, 2015



## Suspension of Practicing Certificate

During the period under review, the following members successfully applied to the Chief Justice to suspend practice;

S/NO	NAME	ROLL NUMBER
1.	Adam Rajabu	696
2.	Blandina Manyanda	2595
3	Tabu Mzee	2432
4.	Lulu Ukwaju	2217
5.	Sharifa Ayoub	2861
6.	Pienzia Nichombe	2850
7.	Simon Peres	2184
9.	Abdulrahman Kaniki	2313
10.	Diana Lukondo	3189
11.	Dorcas Akyoo	2830
12.	Moza Kasubi	2445
13.	Isdory Kyando	1968
14.	Yasinta Peter	1878
15	Alex Mwita	2461
16	Mary Longway	1498
17.	Flavia Shiyo	3572
18.	Mwanahawa Khasim	2138
19.	Debora John	2231
20.	Eleuter Mushi	3395
21.w	Doris Mangure	1559
22.	William Ngeze	2339
23.	Khadija Mzee	2600



24.	Magreth Mwaseba	2532
25.	Varneane Nyiti	2262
26.	Janeth Pima	<b>2961</b>
27.	Elihaka Mtui	3060
28.	Arnold Gesase	2885
29.	Ignas Mwinuka	3180
30.	Irene Mvula- Roll no.	3623
31.	Gisela Alex – Roll no.	1826
32.	Tulumanywa Filbert Majigo	2875
33.	Magreth Ezekiel Mahundi	2866
34.	Yussuf Aboud	2489
35.	John M. Kabengula	2872
36.	Janeth Kisibo	3581
37.	Janeth Keha	2769
38.	Gladness Ronilick Mchami	3613
39.	Anganile Msyan	3551
40.	Anisa Rashid	3541
41.	Thomas Munzerere	1937
42.	Angela Mbakileki	969
43.	Mohammed Ngingite	1490
44.	Joseph Banturaki	2374
45.	Mercy Jilala	2036
46.	Evance Kaijage	3037
47.	John Rwabuhanga	2938
48.	Tulumanywa Majigo	2875

51.	Consesa Kahendaguza	3341
52.	Fadhila Hemedi	2216
53.	Ntemi N. Kilekamajenga	1617
54.	Fadhila Hemed	2216
59.	Charles Majinge	3719
60.	Thomas Munzerere	1937
61.	Mohamed Ngingite	1490
62.	Seperatus R. Fella	1763
63.	Janet Ishengoma	2385
64.	Parminder R. Lall	3195
65.	Elizabeth Komba	3000
66.	Fidesta A. Uisso	3599
67.	Lucia Chrisantus	3225
68.	Crecencia W. Mwita	3974
69.	William Shonga	2999
70.	Karume Mrisho	3322
71.	Novath Rukwago	1538
72.	Gemini S. Mushy	2951
73.	Laura T. Maimu	3583

**INTRODUCTION:**

The TLS Council during the year guided itself through the broader goals of the Society, which ensures that there is optimal organizational capacity to proactively identify and respond to the needs of members on a continuous basis, including but not limited to ensuring that they renew their practicing licenses, facilitate the acquisition of knowledge on emerging issues and fostering positive and beneficial interaction.

**Membership Professional Development:****Enhancing Members' Competence through Continuing Legal Education (CLE)****Review of the CLE Regulations:**

CLE continues to stand out as the most significant means of enhancing TLS members' competence and an icon of TLS services to the members. In the 1<sup>st</sup> and 2<sup>nd</sup> Quarter of 2014, the Council and the CLE committee have continued to devote efforts to strengthening the regulation of mandatory continuing legal education programme by reviewing the CLE Regulations of 2012. The changes await members' adoption in 2015 AGM and they are part of the agenda:

**Implementation of the CLE Calendar**

Continuing Legal Education (CLE) is a key activity contributing to membership development. The implementation of the CLE Calendar in 2014 was a great success. More than 30 seminars were conducted in the period under review exceeding the annual target of 20 CLE seminars which is approximately 150% success rate. CLE seminars were conducted successfully in all chapters and approximately 80% of active members managed to attain a minimum of 10 CLE Points as per CLE Regulations requirements.

The general feedback and evaluation of the programme indicate that there is acceptance and appreciation by the members. Still, management of registration has remained a challenge that the Secretariat intends to find a definite solution in the near future. Annexure I to the report summarizes the CLE seminars conducted in 2014.

**CLE Curriculum**

In order to improve the competence in legal practice and the quality of legal services offered to the public the CLE committee has committed to develop a CLE Curriculum in the business plan 2015/17. The Curriculum based CLE program is intend to lead lawyers to specializations after intensive training. The specialized lawyers will be accredited by the Law Society and their competence identified in specific areas. Accredited lawyers will be required to provide evidence of substantial involvement in the specialty area and references from lawyers and judges, and completed the required credit hours of specialty [Continuing Legal Education](#) (CLE) within specified time. The accredited lawyer must always remain in good standing and will be recertified after a period of years and be subject to revocation of the certification for failure to meet the program's requirements.

## CLE Sustainability

Several undertakings have been made to ensure not only maintenance of a self-sustaining CLE programme which becomes a key to its success but also generating income to develop it further. CLE income stands at 172,850,180/= while expenditure stands at 124,347,286/= bringing an excess of 48,502,894/= This is not to say that Council intends to turn the CLE into a money making venture but rather the excess realized in this half year will be exclusively utilized appropriately to enhance the administration of CLE sessions. Among other things the excess income will be expended on developing CLE curriculum and institutionalization of the same; purchasing of gadgets, voice and video recorders intend to improve delivery and documentation of CLE seminars; and also publication of CLE papers for future reference. Annexure II summarizes income and expenditure for CLE seminars conducted during the period under review.

## Collaborative Seminars and Conferences

### Access to Justice Seminar

Tanganyika Law Society in collaboration with the Legal and Human Rights Centre (LHRC) successfully conducted a CLE Seminar on *Access to justice in Tanzania*. The Seminar focused on access to formal and informal dispute resolution mechanisms; awareness of legal rights; access to laws and legal information; Legal representation and legal aid. Paper presentations were delivered by distinguished human rights scholars and practitioners, Prof. Chris Peter Maina and Mr. Francis Stolla and chaired by Mr. Harold Sungusia.

### Mining Law in Africa: Opportunities and Legal Challenges

Tanganyika Law Society in collaboration with the IBA Mining Law Committee and the IBA Africa Regional Forum held a conference on *Mining in Africa: Opportunities and Legal Challenges* on 08<sup>th</sup> and 09<sup>th</sup> September, 2014 at the JNICC. This conference attracted a number of legal practitioners, inhouse legal counsels and regulators of the mining sector from Africa and beyond. Paper presentations were on edge-cutting issues by world renowned practitioners in the mining industry. These included:

- Workshop on MMDA International Best Practices for the Mining Industry
- The Extractive Industries Transparency Initiative (EITI) in East Africa
- The African Union's African Mining Vision and the Action Plan for Africa
- Stabilization agreements and legislation
- Communities, human rights and free, prior, informed consent. CSR, responsible contracting and supply chain. Social license
- Government take, minority state ownership, taxes, royalties
- Infrastructure and mining
- Foreign Investment in Africa
- Land use in Africa
- Acquisition and maintenance of mining rights in Africa; and
- Comparative Review of Trends in Mining Law and Regulation in Africa



### Public Private Partnership and Project Financing:

This collaborative training was conducted on 15<sup>th</sup> September 2014 at Hyatt Regency Hotel. It was a partnership between the TLS and the Law Society of England and Wales. The training was themed *Public Private Partnership and Project Financing*. The seminar aimed at addressing the increased use of PPP to secure investment and expertise in infrastructural development and services within the region. The seminar focused on the development of adequate legal and regulatory framework for PPP, technical skills to effectively manage the projects and programmes, and a realistic approach and understanding of the market on the part of the private sector bodies.

### Public Dialogue on Constitutional Review Process:

The TLS facilitated a public dialogue on the misunderstandings between different groups with differing interests on the ongoing constitution process. This National Public Dialogue was held in Dar es Salaam on the 2<sup>nd</sup> August 2014. The discussants for the dialogue were Mr Jenerali Ulimwengu (Advocate in Tanzania) and Prof P.L.O. Lumumba (Advocate in Kenya). There was wide coverage in the country through key national medias. The dialogue was attended by more than 1,500 advocates and participants.



### The Colloquium of Judges on the New Constitution.

The constitutional committee of TLS organized the colloquium of Judges which was held on the 25<sup>th</sup> August 2014 under the funding of the Ford Foundation. It brought together 29 Judges of the High Court and Court of Appeal to discuss on the strength and weaknesses of Chapter ten (10) of the proposed constitution of the United Republic of Tanzania. The unanimous resolution of the Judges and Constitutional Review Committee of the TLS in this conference were:



- i. That it suffices for Advocates' qualification to be the same qualification for one to be appointed a judge as provided for in the current constitution.
- ii. That provisions that require the confirmation of the Chief Justice, Deputy Chief Justice by the Parliament after appointment should be removed. It suffices that appointment is done by the President after receiving recommendations from the Judicial Service Commission.
- iii. The procedure for appointment of Judges is correct as laid in the draft constitution except that it should not be left to the Parliament to legislate on the procedure but it should be left to Judicial Service Commission to determine that.
- iv. That the requirement for equal representation between Tanzania Mainland and Zanzibar on the position of Chief Justice and his/her Deputy is not satisfactory. Requirements should rather be on the skills and experience, integrity, professionalism and competence. This should also be coupled with the gender balance.
- v. That the composition of the Judicial Services Commission should include experts outside the legal profession because the Judiciary itself is composed of many other professionals other than lawyers.
- vi. That there Constitution should have conditions that will allow voluntary retirement of Judges at the age of 60.



### Communication to members

The trend and the overall quality of and extent of communication have been excellent and timely. A variety of means have been utilized including blast emails, SMS messaging, social media platforms (face book, twitter & Instagram), newflash, and notice board announcements. Further, the Society has launched a new website with many new features intended to relay more information to members, partners, stakeholders and the public.

### International Exchange Initiatives/Programs

As part of its reform agenda, TLS is actively searching for opportunities on international forums/conferences/trainings for its members. TLS is aware of the impact of liberalization and specialization on the legal profession globally. There are now international businesses in our market which instruct international legal experts and consider local legal practitioners as lacking the international exposure. In order to stay competitive, and actively respond to the challenges of rapid globalization of the legal markets, TLS has continued to look for and secure internship opportunities

for its members abroad, particularly the young lawyers, and presently it is pursuing opportunities to organize/take part in educational international conferences locally and outside Tanzania. The most notable initiatives during the year were:-

### International Lawyers for Africa (ILFA) Programme

For six years running, ILFA has seen lawyers seconded to UK law firms for job training. In the year 2014 the successful candidate representing TLS was **Ms. Michaela Herack Marandu** who was seconded to Clyde & Co LLP in London beginning Sept 2014 to Dec 2014. Michaela is an Associate with Clyde & Co in Tanzania at the Dar es Salaam Office. Initial selections and Interviews were done by the TLS organizing Committee. The final selection was done by the ILFA Programme Organizing Committee in London.

### China- Africa Young Legal Professionals Exchange Program

In the 2<sup>nd</sup> Quarter 2014, TLS benefited by having one of its Young Lawyers, Ms. Aisha Sinda, being awarded for the China Africa Young Lawyer Programme as a SADCLA representative. The programme was conducted by China Law Society from 1<sup>st</sup> to 30<sup>th</sup> September 2014 at the Beijing Foreign Studies University, Beijing China. In the words of the awardee, Ms Aisha Sinda, as part of her feedback communicated the TLS, she stated:

"...It was interesting to learn about Chinese Law and procedures. Our first week included lectures on the development of rule of law in China – through the ancient dynasties, through the cultural revolutions of 1960s/70s, through the Maoist and new thought of China after 1979, to the present days' socialist democracies; the development of Social Constitution, which from 1950s borrowed heavily from the Soviet Constitution but has overtime adopted elements of Japanese and European Constitutionalism; the development of labour law which in theory is tilted in favour of the employee... the development of criminal law and procedure and the steady recognition of human rights in criminal procedure... and the development of the Chinese judicial system and civil trials..."

The TLS encourages its Young lawyers to take advantage of this opportunity in 2015.

### Colom Foundation/University of Mississippi Oil and Gas Law training in the US:

In the period under review, TLS has been engaging with the US based Colom Foundation Inc (CFI) and Nashera Hotels in Tanzania to develop a 5 months course on oil and gas law for Tanzanian Advocates. The course is being conducted at the



University of Mississippi Law School, in the US, beginning January 2015.

The selected Advocates for first batch who are now undergoing the training are Irene Nzagi, George Bakari, Eugene Mniwasa, Raphael Mgaya, Mectrida Rweyemamu, Vincent Mtavangu, Kaoneka Jamal, Kika Mzige and Christer Jackson.

## **Ethics and Compliance**

### **Introduction**

TLS has continued to work towards ensuring that the highest standard of ethical practice maintained within the profession throughout 2014. Infusing and maintaining the highest ethical standards across the extended legal profession are among the most important responsibilities of the TLS. The report below clearly depicts an increased demand for a more accountable, transparent and ethical business culture within legal practice.

The immense work done in 2014 is a clear testimony on the Council's recognition of the importance of ethical conduct in assuring success and longevity of any legal practice. The Council considers the Ethics programme as a key ingredient in building and sustaining legal services investment and stakeholder trust and in protecting the society from professional malpractice.

### **Ethics Complaints**

In the period under review, TLS Ethics Committee was able to convene six times for ethics hearings. Annexure III to this report summarizes the complaints that were heard by the Committee in 2014.

The general challenge has remained on the failure of the Ethics Committee to impose sanctions to Advocates in cases of clear malpractice on parts of Advocates. This in turn makes compliance with the Ethics Committee directions difficult.

However the Council and the Committee consider this to be history in the near future. Among the strategies is to charge advocates for criminal offences before the Courts of law. In the period under review several advocates have been charged with fraud and forgery among other offences.

Furthermore, with the Ethics and Compliance Officer on board, the Council expects an expedited process in adoption of the new rules that empowers the Ethics Committee to impose sanctions just like the Advocates Committee. This will be fortified with amendments to the Tanganyika Law Society Act and the Advocates Act that are expected to be tabled through the miscellaneous amendments in the parliament.

In the meantime however the Council will continue to publish all Ethics complaints in the annual reports so as to discourage professional malpractice.

Working with the Continuing Legal Education (CLE) Committee and the Judiciary, this programme has continued to develop and deliver introductory ethics training for new Advocates as well as ongoing training for all Advocates;



## Identification and Apprehension of Fake Lawyers

One of the painful tasks that the Council undertook in the period under review is the identification people not qualified as lawyers but have been posing as Advocates. One person was caught by the TLS officers working together with the Police. The person has been charged with false pretence and he awaits trial. The Council is informed of several other such people and is determined to wipe out all fake lawyers in the country.

## Regulation of Foreign Legal Practitioners in Tanzania

Among the concern of the Council in the period under review was the rapid increase of unregulated foreign practitioners. While the Council shares the share the belief that foreign practitioners will assist the growth and the development of legal services for the benefit of clients and business in Tanzania, still, unregulated legal practitioners pose a potential great risk to the same.

Thus in the period under review the Council has taken several measures to address this issue as a compliance issue and these include:

- i. Researching on the International Directory about the recommended foreign individual lawyers that present themselves as practicing in Tanzania.
- ii. Visiting the law firms' websites in Tanzania to ascertain partners, or employees of such law firms who are foreign lawyers. When this list is fortified the Secretariat will write to these individuals to get details on how they are qualified to practice in Tanzania.
- iii. A written request was written to Global Chambers to inquire on the authority they use to name listed foreign lawyers as the recommended lawyers in Tanzania. Although the official response has been obtained from Global Chambers, further consultations are being made on the way forward to deal with this.
- iv. The Secretariat has already published in the Social media for information about foreign practitioners. The Council intends to publish information on qualification to practice law in Tanzania through all mass communication tools and put it clear that it is a criminal offence to practice law in Tanzania without a valid practicing certificate.
- v. The Council intends to appoint a team that will come up with a comprehensive report on the regulation of foreign lawyers. Currently the task is under the Ethics Committee.
- vi. In the meantime, the Council, acting on the General Meeting Resolution of February 2009, has started the task of drafting draft rules on regulation of foreign lawyers. Ms Brooke Montgomery is working alongside the Secretariat on this and the Rules are expected to be tabled at the AGM in February 2015 as a private motion by the drafter.

## The Future of the Ethics and Compliance Regulation

The Council plans in line with the reviewed Strategic Plan 2013-2017 are as highlighted below:

- Ensure regular reviews and updates to standards of conduct within the Legal Profession to ensure continuing currency and relevance in providing guidance to the membership as a whole;
- Aggressively remain abreast of all ethical malpractices by identifying trends in and potential areas of ethical malpractices; develop/implement corrective action plans for resolution of problematic issues, and provide general guidance to Advocates and the public on how to avoid or deal with similar situations in the future;
- Increase collaborations with other regulatory organs including the Advocates Committee, Judiciary, and DPP to wipe out the heightened professional malpractice;
- Institute and maintain an effective ethical compliance communication program for at the Secretariat including promoting the use of the ethical malpractice reporting hotline, heightened awareness of Standards of Conduct amongst Advocates and an understanding of new and existing ethical issues and related policies and procedures; and
- Advance public knowledge and shape dialogue about Advocates' ethics through Advocates' forums, TLS publications and the media.

## INTRODUCTION

Under this key result area TLS aim at building up an accessible, fair, transparent and efficient justice system. TLS aims at ensuring that poverty is not an insurmountable barrier to justice for low income Tanzanians. The objective was realized through a number of activities and strategies employed to reach a larger community of indigent. In a synopsis the following were undertaken;

### Provision of Legal Aid through Pro bono Advocates

The TLS recognizes its strategic advantage by being in position to provide court representation to a larger group of indigents than any other legal aid provider in the country and, therefore, committed to make the best use of the resources available before it. In view of the foregoing, a pro bono pool of Advocates was set up in 2014 and trained on various areas of practice that affect low income communities. This pool is coordinated by the Legal Aid Unit at the Secretariat.

In total Legal Aid Unit had received 210 clients whereas male clients were 141 and female were 69. 84 cases are pending in the Courts of law and whereas 51 cases have been finalized. The Legal Aid Unit was able to resolve 63 cases without recourse to the Courts. By 31<sup>st</sup> December 2015 only twelve (12) cases were yet to be assigned to advocates.

### Community Sensitization and Awareness Creation

Apart from provision of legal aid, the unit has prepared more than ten sets of legal help kits for clients. The kits will be published in March 2015. Radio programs with True Vision Company were aired on child related matters such as Birth Registration, Law of the Law Act, Adoption, Juvenile Court, Human Deoxyribonucleic acid Regulation Act No 8 of 2009 and its relation to child rights, Inheritance Laws and Probate as well as Early Pregnancies to School girls.

### Legal Aid Week

The legal Aid week 2014 was equally a tremendous success. The adopted theme for the legal week celebrations was **“Enhancing Collective Efforts to Increase Access to Justice for All”**. The theme has been specifically chosen to reflect the collective efforts of lawyers since early 1990s to enhance and expand access to justice for the poor and marginalized. The event underscored the need to involve the community and the wider range of stakeholders in addressing the legal needs of the poor.

As such 2014 had seen a peculiar way of conducting legal aid to community through:

- market places (Feri, Kisutu, Mchikichini, Buguruni and Ilala);
- Hospitals (Mwananyamala and Temeke);
- prisons (Segerea in Dar es Salaam, Arusha Central Prison, Butimba in Mwanza, Isanga in Dodoma, Ruanda Prison in Meya and Uyui in Tabora);
- police stations (Buguruni, Oysterbay and Chang'ombe);
- Legal aid through social media as well as in courts.

More than 250 advocates participated in legal aid week in Dar es Salaam only and more than 200 in the remaining Chapters. In total more than 1500 clients were reached in Dar es Salaam, 236 in Mwanza, 244 in Tabora, and 150 in Mbeya. Furthermore, legal aid week was equally celebrated through delivery of public lectures in a range of legal aid issues in three universities which were **University of Dar Salaam; Ruaha University College** in Iringa and **St Augustine University** in Mwanza. The public lectures were delivered with aim of stirring up a practice-based experience for the purposes of encouraging law students to take responsibilities in addressing low income communities' problems and think reflectively on poverty law issues. Secondly, it was aimed at developing law students' critical understanding of the legal system and the roles of lawyers in providing free legal representation to the indigent. These lectures in total recorded attendance of more than 600 law students.

### Juvenile Justice Programme in Mbeya Chapter

In October, 2014 TLS and UNICEF entered in an Agreement to implement Children in Conflict with the Law Project for CICL to have legal representation and child habitual offenders to be assisted in rehabilitative Centers. The programme became operational on 5<sup>th</sup> of January, 2015 and will run through October, 2016. This programme is implemented with the following objectives;-

- To increase accessibility and improve quality of legal aid to CICL by building the capacity of legal aid providers to deliver the model effectively.  
To ensure that children's rights and due processes are guaranteed and respected throughout the criminal justice process.
- To ensure that children are deprived of their liberty as a matter of last resort and for the shortest appropriate period of time.
- To expedite children's cases including reducing the time between charge and sentencing, increase the number of dismissals and acquittals, and reduce the use and length of pre and post-trial detention.



The LAP Programme is implemented in combination of three tiers of support as follows;-

<b>LEGAL AID PROVIDER - TLS</b>	<b>Program /Ass Coordinator (Legal Officers)</b>	M b e y a retention Home	Review all case files Tier 1 - Provide regular info sessions for all children Tier 2 - Provide one on one advice for specific cases & prepare them to represent themselves in primary courts Tier 3 - Pass relevant cases on to Advocate for legal representation/ prep the case Explore non-custodial options with CSOs *-Receive timely and appropriate support while in police stations
		Ruanda Prison	
	<b>Advocates</b>	Police Station	
		District and Rms Court Mbeya	Attend court sessions at the Juvenile Court and represent all children in conflict with the law.

Tier 1- provision of general legal information

Tier 2 – provision of legal advice and help with legal documents

Tier 3 – representation.

**Table 1: Data on Legal Representation at District and RMs Courts January 2015.**

Detention facility	Children represented at District and RMs Court	Acquittals/ Dismissals	Successful bail applications	Probation	Children Convicted	Pending cases
Mbeya RH	08	-	01	-	-	0
Ruanda RP	01	-	-	-	-	-
On bail	06	-	-	-	-	-
<b>TOTAL</b>	15	-	01	-	-	-

**Table 2: Legal Assistance in detention centers and at the police station.**

Detention facility	Children provided with legal assistance	Court	Withdrawals/ Acquittals/ Dismissals	Children Convicted	Successful bail applications	Re-offenders
Mbeya Retention Home	07	District Courts	-	-	0	-
		Primary Courts	-	-	-	-
Ruanda Remand Prison	01	District Courts	-	-	0	01
		Primary Courts	-	-	-	-
Central Police Station	06	-	-	-	05	01
<b>TOTAL</b>	<b>14</b>		-	-	<b>05</b>	<b>02</b>



## Supporting Access to Justice for Children Youth in East Africa Project (SAJCEA)

The project, being implemented throughout the East Africa region, entered its second year of implementation from April 2014. Key Objectives that were to be achieved in the 2014 project plan were: One, to building of the capacity of institutions and stakeholders on child rights, and second, to create public awareness on child rights.

In respect of the first objective, a base line study on diversion program for Juvenile criminal Justice system in Tanzania has been conducted. The baseline study is expected to come up with a report that clearly identifies policies, laws and practice if any that address for diversion programs in the country. The report will also have the potential to address harm to children in Tanzania caused by overcrowding and placing children in adult correctional facilities, including long periods of incarceration on remand for relatively minor offences with a view to advocate for change of our laws to cater for rehabilitation programs in the criminal Juvenile Justice system in Tanzania.

In respect of the second objective, an educative drama was developed in 2014. The drama has various messages that target different audience among the community including:

1. Child labor in the household with a target to end child labor in the household (domestic workers) and requiring various children stakeholders to take action when they see any violation of child rights in the household.
2. Right of children to inherit from their deceased parents properties whereas various gender issues, mostly the notion that women have no right to inherit or be appointed to administer deceased estates is addressed. This targets the community to learn that both men and women have equal rights and ability to administer properties and that, children should be accorded with legal assistance when their rights to inheritance are deprived by parents' relatives.



3. Children in conflict with the law: The script covers mistreatment of children in conflict with the law from the arresting procedure to imprisonment. It aim at discouraging imprisonment of children instead prefer rehabilitation programs. This script targets the police and Magistrates. It is intended to be used in different workshops involving police and magistrates to address the issue of arresting and sentencing of children. The same will also be used to encourage the community t make use of rehabilitation programs when they face cases involving children.

Other activities implemented in the period under review include training of community paralegals, Radio talks, and training of media house.

## Legal Aid Policy

Institutionalizing Legal Aid Policy aims at the evolvement of the Legal Aid programmes at TLS to become more mature and client focused. The implementation of the Policy has begun. The Policy intends to promote accountability and efficiency at all levels i.e. from the Committees working with the LAU down to staff and interns. It lays down systems for strong legal aid information management and analytical systems to support decision making.

## Criminal Law Services

With the collaboration of the Legal Aid Secretariat (LAS), TLS has continued to give certificates for representing remandees and prisoners which count to 40 in the period under review. 15 advocates in Dar es Salaam and 15 in Mwanza have been taking part in the Project. While investing heavily in the Criminal Justice System, the TLS remains cautious on its capacity to deliver, given growing number of criminal charges affecting the low income population. This translates to more representation by TLS yet TLS is the only LAP offering criminal representation.

Realizing this, the Legal Aid Policy now concentrates on legal assistance through bail applications, location of sureties and appeal applications. This model has been tested in other jurisdictions of the Sub-Saharan Africa and has proved to be cost effective with a very high impact in prison decongestion.

## Conducting Research on Areas of Access to Justice

In 2014, TLS, through funding from LAS, finalized a project titled **“Access to Justice for Persons with Disabilities”**. The main aim of the project was to contribute to the access to Justice by persons with disabilities through offering free legal aid services and raising awareness to the public on rights and protection of people with disabilities. Among the important achievements of the project is the **“Needs Assessment on Access to Justice for Persons with Disabilities in Tanzania”**. Through information provided in the research, TLS has been able to do more activities i.e. conducting awareness campaigns on the rights of persons with disabilities and the Disability Act to the public through TBC FM and Radio Uhuru and providing training to the Advocates on the rights of persons with disabilities.

## Empowering Paralegal Services in Rural Areas of Tanzania

Through funding from the Legal Services Facility (LSF), TLS continues to be in the limelight of paralegal activities in the country. In the previous year, TLS was able to develop paralegal training manuals whose distribution was completed in the first quarter of 2014. 2650 paralegals have benefited from the training and the manuals and 1400 more are expected to be trained in the coming 1 year. Between July and October 2014, 91 Paralegal trainers representing 31 key organizations received training from the TLS.

In principle, all Legal Aid Providers (LAPs) have agreed to use the paralegal manual developed under TLS coordination so as to promote a harmonized paralegal training and services in Tanzania. TLS continues to play the Central role of ensuring that the training and paralegal services meet the expected quality.

More importantly however, is that TLS and LSF in 2014 envisaged a change in approach of paralegal services from “mini-lawyering” to “empowerment of the poor”. If executed as desired, the approach is going to have a very big impact in terms of number of poor people who are assisted with protection of their property, labour rights, social rights and education on human rights.



### THE TANGANYIKA LAW SOCIETY RESOURCE CENTRE

TLS Members' and Public legal Literacy is a matter of prominence within the Strategic Plan and clear mandate within the TLS Act under section 4(b). The foregoing year has witnessed a major step towards fulfilling the mandate through the activity of upgrading and equipping of the Resource Centre. The following has been done in that respect;

- Determining the number of publications in the resource center ie. 1135 Laws and Regulations, 615 Government Gazettes and 1744 books and journals.
- Identifying and contracting a professional librarian to carry out the referencing, cataloguing and arranging the library ready for use by staff and members. The activity is completed.
- Receiving more books from different organisations and including them in the established inventory.
- Regular visit to the TLS box at the Government Printer to collect monthly government gazette and publications for the library.

In the year 2015, plans have been kept in place to equip the library with more significant resources and set basis for the development of the online resource centre.

### Research and Publications

#### Research

The Secretariat continues to strengthen its research capacity with the target of having an independent adequately resourced and fully functioning Research Unit. In the period under review the Unit was able undertake a Research Project titled **“Research on Legislative Hindrances to Transparency and Open Governance”**. It was solely funded by the British High Commission Commonwealth Foreign Office. The research was intended to unearth laws and regulations that hinder free flow of information to the public. This project has delivered the following results;

- 2500 English version copies of a research report with findings and recommendations;
- Translating and publishing 1,400 Swahili version of the report ;
- Conducting a report launching press conference on 29<sup>th</sup> April 2014 that was attended by 13 journalists and covered in over five print and electronic media outlets;
- Conducting a dissemination workshop on 9<sup>th</sup> May 2014 which was attended by 21 participants from different key government and non governmental institutions; and
- Identifying key government, nongovernmental local and international organisations to distribute the 2500 copies of the research report.

The impact of this research has been tremendous. Since the launching of the report in May 2014, TLS has witnessed a tremendous increase in the interest of partners and stakeholders in engaging TLS on matters of Transparency. For example in a recent Consultative Stakeholders Meeting of the Open Government Partnership (phase II) action plan for 2014/15-2015/16, TLS was recognised as a very important stakeholder after publishing its research report on legislative hindrances to transparency and

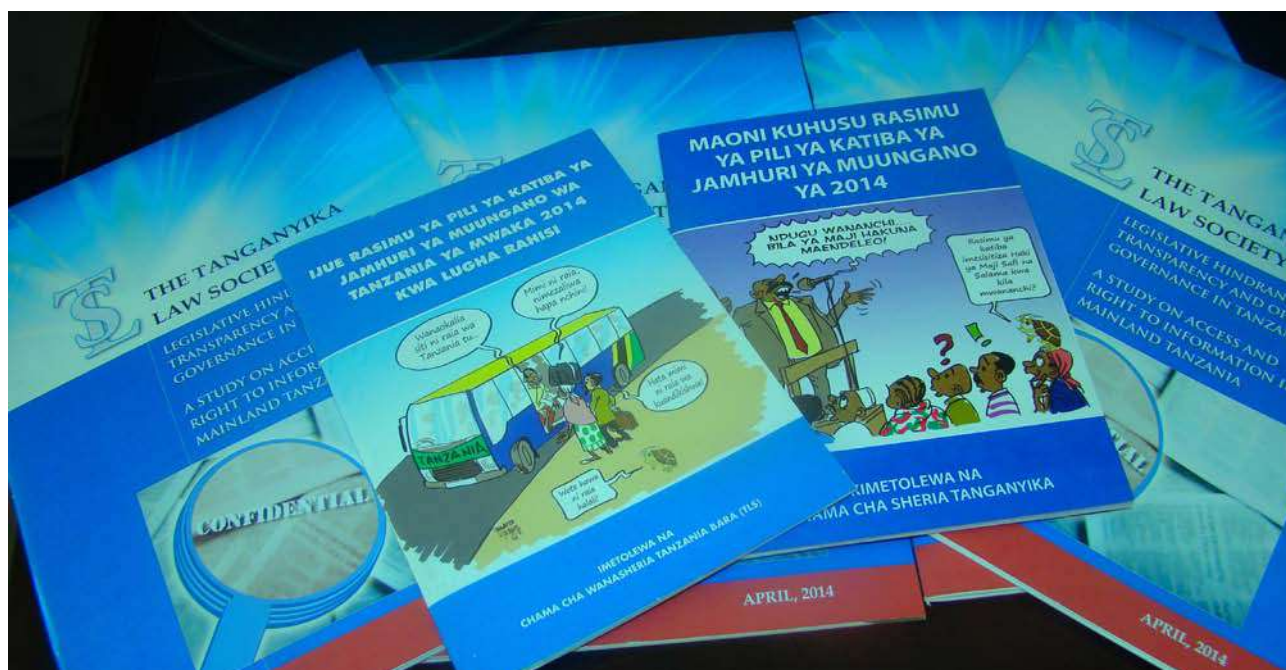
open governance. In the same light, media stakeholders including Mwananchi Communications Ltd (MCL), Media Council of Tanzania (MCT), among others, have shown strong interest in joining hands with TLS in petitioning against laws that hinder access to information.

On the business and income sustainability point of view, there are massive potentials for TLS to earn more income through Research and Consultancy by using its own members. Recommendations have been brought forward for TLS to expand the research and consultancy capacity.

## Publications

TLS managed to publish and disseminate thirteen (13) different types of publications in the process of facilitating and contributing to the acquisition of knowledge to its members and the public. Publications published include;

1. 3,000 copies of The Tanzania Lawyer Journal, Volumes 1 and 2 for February and August
2. Revival of the Quarterly Wakili Bulletin in November 2014 after almost years of inactivity with a distribution of more than 1,000 copies. It shall be published in quarterly basis starting March 2015. The Wakili Bulletin has, in the past, been a leading commentary on various legislative, judicial and executive activities that affect legal practice as well as the activities of the Society and issues affecting the legal community.
3. Monthly E-Newsletters, which has been revived since June 2014.
4. Swahili Version of the Freedom of Information Report
5. English version of the Freedom of information Report
6. 5,000 copies of the Ijue Rasimu ya Pili ya Katiba Booklets
7. 5,000 copies of Katiba kwa lugha Rahisi Booklets
8. Through SAJCEA programme and combining efforts with WLAC, 5000 copies of information booklets that emphasizes the Children rights at Police Stations have been printed. Dissemination is yet to be done.
9. Through the SAJCEA programme, 5000 Posters have been prepared that appeals to lawyers active participation in advancing Children rights.
10. Through the funding by Legal Service Facility (LSF), 2850 copies of paralegal resource manuals have been produced and distributed to about 2650 paralegals in 110 districts of Tanzania by February 2014.
11. Through the funding by Legal Service Facility, 300 copies of Paralegal Trainers Manuals for Legal Aid Providers have been produced and distributed to about 35 Legal Aid Providers in Tanzania.
12. Publication of electronic Version of the Legal Aid Brochure.
13. same shall be published in the year 2015
14. Legal Aid Documentary on Land Rights.
15. Legal Aid Week Documentary.



## Tanganyika Law Society Law Reports and Tanzania Lawyer Journal

In the same development, TLS negotiated a draft contract with LexisNexis publishers to publish and print both hard copies and digital formats of the Tanganyika Law Society Law Reports (TSLR) and Soft copies of the Journal of the Tanganyika Law Society (JTLS). The agreement has been duly signed and concluded and efforts to commence the publishing of the Law reports and soft copies of the Journal have commenced.

## Legislation Review

In the process of assisting the government and the Courts in all matters affecting legislation, and administration and practice of law in Tanzania; TLS took part in the law making process and contributed to the development of the legal framework in Tanzania by taking part in the reviews of 26 legislations, 4 two government agreement and 1 policy throughout the year.

## The Legislations, agreements and policy reviewed include:-

1. TLS Act
2. Advocates Act
3. National Investment Act
4. The National Investment Policy
5. The Value Added Tax
6. Public Private Partnership Bill
7. Agreement on the Nile River Basin Cooperative Framework
8. Open Government Partnership Strategic Plan
9. East African Model Bilateral Investment
10. Mutual Recognition Agreement (MRA) and Written Laws (Miscellaneous) Amendment Bill.
11. The Written Laws (Miscellaneous Amendments) (NO. 2) Act, which consisted of:-

12. Amendment of the Criminal Procedure Act, Cap 20;
13. Amendment of the Employment and Labour relations Act, Cap 366;
14. Amendment of the Electricity Act, Cap 131;
15. Amendment of the Islamic Law (Reinstatement) Act, Cap 375;
16. Amendment of the Labour Institutions Act, Cap 300;
17. Amendment of the Legal Aid (Criminal Proceedings) Act, Cap 21;
18. Amendment of the Mining Act, cap 123;
19. The National Security Council Act, Cap 61;
20. Amendment of the National Social Security Fund Act, Cap 50;
21. Amendment of the Notaries Public and Commissioners for Oaths Act, Cap 12;
22. Amendment of the Public and Leadership Code of Ethics Act, Cap 398;
23. Amendment of the Tanzania Investment Act, Cap 38;
24. Amendment of the Law School of Tanzania Act, Cap 425, and
25. Amendment of the Public Service (Negotiating Machinery) Act, Cap 105
26. National Disaster Management Bill.

### **Amendment to the Advocates Act and TLS Act:**

The process stretches as far back as 2001. Review workshop on the TLS Act and Advocates Act. This review meeting included members of the secretariat and governing council, members from the Attorney General Office and Ministry of Constitutional and Legal Affairs. A concept note on the two amendments of two Acts were written and taken to Ministerial Technical Committee (MTC), waiting to be taken to the Parliament for first reading. The proposed amendments have been attached as Annexure IV.

### **Strategic Litigation Cases**

In its bid to reform the law and practice through strategic litigation, TLS during the period under report, conducted a total of three cases under this program. These cases are highlighted below:-

### **LHRC and TLS versus Hon. Mizengo Pinda and A.G. Civil Cause No. 24 of 2013**

The petition was filed before the High in Dar es Salaam by the TLS and LHRC challenging statements made in the Parliament debating chamber by Prime Minister Mizengo Pinda, allowing police to beat civilians violently. The ruling that was delivered on 6<sup>th</sup> June 2014, dismissing the petition as the entities (TLS and LHRC) did not have locus stand to open the case against the prime minister.

Nonetheless, the ruling has been a major jurisprudential leap forward as it declares that the Members of Parliament do not have absolute privilege from what they speak in parliament.

## **Tanganyika Law Society, Legal and Human Rights Centre and SAHRINGON-Tanzania Chapter versus the Attorney General Misc. Civil Application No. 67 of 2008**

The petition was filed with the High Court in 2009. It aims at challenging the death penalty. The case came for hearing of the first preliminary objection on 16<sup>th</sup> June 2014 but was adjourned to 4<sup>th</sup> August 2014.

## **Tanganyika Law Society versus Ministry of Foreign Affairs and the Attorney General**

TLS has petitioned to the High Court, under the Certificate of Urgency, on 2<sup>nd</sup> July 2014, against the decision by the government to vote for the disbandment or suspension of the SADC tribunal contrary to the Constitution of the United Republic of Tanzania.

TLS prayer is that the High Court grants interim orders staying the government of Tanzania from voting or adopting a new protocol on the tribunal or reaching any decision concerning the tribunal until such time that the constitutional and international law violations have been corrected by the SADC Summit.

## **Tanganyika Law Society Versus the Attorney General, Misc Civil Case No. 40 of 2014**

The TLS in September 2014 applied for the Declaratory Orders to intervene by suspending the continuation of the meetings of the Constituent Assembly pending compliance with the proper constitution making process with maximum participation, representation and the wishes of the citizens of Tanzania.

The application intended to invoke the inherent powers of the Court for orders of injunction, declaration and mandamus in order to intervene the ongoing Constituent Assembly session on the following grounds:

1. The Constituent Assembly was proceeding contrary to the law as it vitiates the power and right of Tanzanians in making their own constitution;
2. The Constituent Assembly was acting irregularly by amending standing orders of the Constituent Assembly so as to circumvent the procedure provided by the law of voting for one provision after another.

Although the leave was granted, by the time of filing and arguing the application, the voting process had already been concluded in the Constituent Assembly and so could have rendered the orders nugatory.



**INTRODUCTION:**

Committee members were appointed by the Governing Council on 8<sup>th</sup> March 2014 and induction was conducted on 31<sup>st</sup> March 2014. A number of Committees have been able to function in the 2<sup>nd</sup> Quarter as follows:

**(a) CLE Committee**

The 2014 CLE Committee members consist of:- Dr. Frederick Ringo (Chairperson), Ms. Asina Omari, Mr. Joseph Mpuya, Dr. Angelo Mapunda and Dr. Alex Nguluma.

The committee advises the Council on any matters relating the CLEs. In the period under review the Committee met 7 times and were able to come up with the annual CLE Calendar for 2014; determining CLE points for members for any training/ CLE done by members for the year 2014; accreditation of other CLE organized by accredited institutions and others; reviewing the CLE Regulations and recommending changes to the Council and overseeing the implementation of the annual CLE Calendar. Despite the successes registered by CLE Committee, the CLE programme is yet to fully utilize its potentials. Council has sought opinions from various sections of membership regarding CLE.

**The Membership has responded with the following recommendations:-**

- CLEs should reflect more on different angles of carrier development by its membership;
- Considering presenters from non-legal background;
- Maximize adult learning tools and techniques;
- Encourage the use of technology e.g. video conferencing;
- Emphasize on model practice;
- CLE Calendar be a supplement to a CLE Policy that reflects curricular planning in the short, medium and long term perspective;
- Forming Practice Specialized Committees that will advise the CLE Committee on developing a short, medium and long term curricular on CLEs;
- Archiving and publishing for sale CLE materials that are an invaluable source of information;
- Addressing capital investment to make CLE more sustainable; and
- Collaborating with the Law School of Tanzania that has similar statutory mandate.

The CLE Committee is currently reviewing and considering the recommendations with a view of presenting to the Governing Council mechanisms that will create a robust CLE system within TLS.

**(b) Standing Law Committee**

The function of this committee is to conduct research, develop opinions and lobby on matters affecting policy and legislation. The Committee's

members for 2014 are:- Charles Mkude( Chairperson) Dr. Tulia Ackson, Ms. Shamim Daudi, Ms. Sarah Mhamilawa, Mr. and Mr. Kevin Mandopi

Under the reporting period, the Committee has never met physically but have shared their legal opinions electronically on the following documents;

- Proposed Local Content Policy on Oil and Gas Industry of 2014 which were submitted to the Ministry of Energy and Minerals and to the public via a press release.
- Model U.S. Bilateral Investment Treaty and submitted it to the Tanzania Private Sector Foundation (TPSF)
- Investment Policy of 1996 and the Investment Act of 1997 and submitted the identified weaknesses to TPSF
- Recommended to the Council, the amendments of the Tanganyika Law Society Act and the Advocates Act.

It is has been recommended that a comprehensive advocacy policy be adopted by the Council to act as an effective tool to determine the level of expertise needed for this committee and the extent of engagement in policy and legislative matters that attract national interest. The Terms of Reference (TOR) of the Committee should be revisited to attract external funding on Regional and International issues through the Committee.

#### **(c) East Africa Community Committee**

The Committee is composed of:- Dr. Kennedy Gastorn, Mr. Selemani Kinyunyu, Mr. Imani Kaduma, Mr. Stephen Axwesso and Ms. Amne Sued. Under the reporting period, the Committee met once. Working with the Human Rights Committee, they have been able to come up and file a petition at the High Court of Tanzania against the Government of the United Republic of Tanzania for endorsing the suspension of the SADC Tribunal.

Given the mandate of the committee to consider matters of outside the EAC, it has recommend that this committee be renamed to the Regional Affairs and International Exchange Committee so as it reflects the ever growing involvement of the TLS in regional and international affairs.

#### **(d) Constitutional Review Committee**

The Committee is composed of:- Mr. Mpale Mpoki (Chairperson), Mr. Jesse James, Mr. Issa Maige, Mr. Godwin Mussa and Mr. Alex Mgongolwa. Under the reporting period the Committee met seven times. Among the activities accomplished under the reporting period are;

- Conducting a stocktaking workshop to evaluate the extent of adoption of TLS inputs to the first draft Constitution.
- Developing a simplified version of selected provisions of the Second Draft Constitution and TLS position on the Second Draft Contitution.
- Conducting a public talk in Dodoma to launch and disscuss the simplified version and the TLS position Booklet on the Second Draft Constitution.
- Conducting a total of five TV programs addressing pertinent issues in the Constitution Making process.



- Receiving the Ford Foundation delegation to TLS and discussed future partnership.
- Exploring further funding and upgrading of TLS constitution review undertakings. So far, the Committee has initiated talks with; Policy Forum, ITV/Radio One, LHRC and the Open Society Institute.
- Facilitating a public dialogue on the misunderstandings between different groups with differing interests on the ongoing constitution process held in Dar es Salaam on the 2nd August 2014.
- The committee has started efforts to conduct voters education before the upcoming referendum.

#### **(e) Policy, Research and Publications Committee**

This Committee has the overall responsibility over the Society's publications. It exercise control over the content of the Tanzania Lawyer Journal and Wakili Bulletin. This Committee is made up of five members namely:-Prof. Cyriacus Binamungu (Chairperson), Mr. Goodluck Chuwa, Mr. Zubbeiry Ngoda, Ms. Roselyn Rutta and Dr. Alex Makulilo.

In the reporting period, the Committee has been able to accomplish the following:

- Publication of two issues of the Tanzania Lawyer Journal in February and August 2014. 3,500 copies were produced of which 1300 were distributed to members in February AGM and the remaining 200 copies were distributed free of charge to Libraries of Universities with law faculties and to Sister and Regional Bar Association. In august 1,500 copies were distributed to members and 500 copies reserved for sale.
- A review of a total of 73 manuscripts submitted for the Tanzania Lawyer Journal has been conducted by the committee in the year 2014.
- The Committee, with funding from the British High Commission, commissioned a study on legislative hindrances to transparency and freedom of information in Tanzania. The report was launched in May 2014 and the 3,900 copies of the report are still under distribution to key government and non-governmental stakeholders.

Recommendations have been brought before the Council that the Committee be broken down to two, i.e. Publications Committee on one hand, and Research and Consultancy Committee on the other. The need arise from the introduction of several other publications including; The upcoming digital publication of the Tanzania Lawyer Journal, The Quarterly Wakili Bulletin, the upcoming TLS Law Reports, and Administration of Justice Review. Likewise, there is foreseeable growth in the Research and Consultancy portfolio.

Further recommendations have been brought on the need to secure an ISBN number for TLS publications to enable them to be used in Public libraries; and develop a business perspective to make the publications a source of income through sale. The recommendations await Council consideration.

**(f) Human Rights Committee**

The committee's mandate is to monitor, develop and participate in the dissemination of the human rights awareness of the general public. The committee members include:-Mr. Daimu Halfan, Mr. Elias Nawera, Mr. Fulgence Massawe, Mr. Nelly Mushi and Mr. Nelly Godlays.

In the period under review the Committee, working with the EAC Committee, has been able to file a petition challenging the suspension of the SADC tribunal. The Committee still conducts a strategic litigation case against the death penalty (reported above).

Recommendations have been brought before the Council that a written guideline be developed for decision making on the public interest/ strategic litigation to guide the committee. Along with, it has also been recommended further that the Committee be renamed to "Human Rights and Public Interest Litigation Committee" to capture its contribution in Strategic litigation.

**(g) Legal Assistance Committee**

The Committee members include;- Mr. Kaleb Lameck Gamaya, Ms. Schola Jullu, Ms. Anna Kulaya, Mr. Daniel Lema and Ms. Magdalena Mlolere. The Committee has met twice in the period under review. However the major achievement of the Committee was the finalization of the Legal Aid Policy in January 2014.

In the past year the committee has contributed to the rigorous expansion of the Legal Aid activities of the TLS. Amidst this expansion, the role of the Committee has grown largely to be over sight on Pro bono Legal Aid. Recommendations have been brought before the Council that the Committee be renamed to "the Pro bono Committee" to reflect its oversight role in the management of the Pro bono Legal Aid.

**(h) Young Lawyers Committee**

The Young Lawyers' Committee functions to identify, discuss, and promote issues involving young lawyers within the TLS. The Committee members are:- Ms. Sarah Mhamilawa (Chairperson), Ms. Aisha Sinda, Mr. Stanford Mbegane, Mr. Josephat Kesagero and Mr. Roman Lamwai.

The Committee has been transacting its business online. The committee has pegged its activities for this year on seven areas of interest i.e. professional development, mentoring, networking, awards, supporting Law school, improving bench bar relations with focus on Young lawyers and enhancing an online communication platform for young lawyers. The Committee has combined efforts and resources with the Dar Chapter to realize its deliverables for 2014. The committee has been successful to construct young lawyers blog intended to be a platform for the young lawyers to raise and discuss various issues that embraces their needs.

**(i) Ethics Committee**

The committee members are:-Mrs. Geneveva Kato (Chairperson), Hon. Hezron Mwankenja, Mr. Francis Stolla, Dr. Angelo Mapunda and Mrs. Georgina Mulebya. The Committee has conducted 14 hearings in Dar es Salaam and 1 hearing in Kilimanjaro in the year 2014. Outcome of the hearings is provided under annexure III.

**(j) The HIV/AIDs and Gender Committees:**

The Committee chaired by Victoria Mandari met twice in the period under review. The Committee observed that there was no burning policy issue in the period of 2014.

Given the budgetary constraints also, a recommendation has been advanced that the Committee be fused with the Human Rights Committee in 2015.

### **THE ANNUAL AND HALF GENERAL MEETINGS OF THE TANGANYIKA LAW SOCIETY 2014**

The AGM was held on 22nd February 2014 and HAGM was held on the 16th August 2014 at the Simba Hall, of the Arusha International Conference Centre in Arusha. Both of the meetings were preceded by the annual conferences. The theme for the annual conference in February 2014 was "The Constitutional Review Process in Tanzania: Reflections on the Constituent Assembly, Referendum Monitoring and Experience from Neighboring Countries" and "Repositioning TLS as we mark the 60th Anniversary" for the August Conference.



The Outcome of the February Conferences was the resolutions on the Constitutional Review Process that were adopted by the General Meeting.

### **THE RESOLUTIONS OF THE ANNUAL GENERAL MEETING (AGM) OF THE TANGANYIKA LAW SOCIETY, 22ND FEBRUARY 2014**

- (a) THAT the powers of the Constituent Assembly should be exercised within the framework of the Draft Constitution to be tabled to the Constituent Assembly by the Chairperson of the Constitutional Review Commission as provided for under section 25(2) of the Constitutional Review Act, [Cap 83 R.E. 2014].

- (b) FURTHER THAT, the Constituent Assembly does not have the power to derogate from the Draft Constitution.
- (c) AND FURTHER THAT, since civic education on constitutional making process is vital and of utmost importance for the better enactment of the Constitution, Tanganyika Law Society shall take a leading role on sensitizing and raising public awareness on the referendum for the proposed Constitution through Civic Education and Advocacy.

The General Meeting also elected the Governing Council for the year 2014, together with representative for the Council for the Legal Education, representative for the Advocates Committee, Remunerations Committee Members and National Ethics Chairperson. The AGM also confirmed names of Chapter Conveners' following elections in the Chapters.

### **THE RESOLUTIONS OF THE HALF ANNUAL GENERAL MEETING (HAGM) OF THE TANGANYIKA LAW SOCIETY, 16TH AUGUST 2014**

1. The Tanganyika Law Society Act, the Advocates Act, and the Advocates Remuneration Rules are very outdated. A committee should be formed to follow up with the initiatives that have been done already and come up with the draft of the bills for the newly proposed Tanganyika Law Society Act and the Advocates Act. Among issues that have to be considered in proposing amendments for the TLS Act are;
  - Refining the governing council of TLS in its functions, relationships and composition;
  - Fully Reflection and recognition of CEO, the secretariat and chapters;
  - Reviewing categories of membership through distinction; and
  - Recognition of outstanding members.
  - Decentralization of the society through the already established chapters, and mechanism should be developed to strengthen the Chapters;
2. CLE's should be conducted primarily in chapters and members should meet only for the AGM and HAGM. CLE topics should be on substantive subjects that impart practical legal knowledge to advocates.
3. The amendment to the Advocates Act should review a provision that the newly admitted Advocates should work under supervision in a law firm for minimum number of years before establishing their own practice for purposes of ensuring efficiency of the profession to the clients
4. The Law Society should embrace modern technology in all its processes including registration for conference and meetings. There is a need for the advocates to be equipped with advancement of technology, IT and financial management systems for improving legal services.
5. There should be formed an electoral committee that will solely be responsible for the election processes and attend appeal and grievances mechanisms arising from elections.
6. Judges powers to discipline advocates are essential and these should remain as they are in the Act.



## Reinvigorating the Chapters

The impetus for this year reforms has partly been driven by the need to reinforce vibrant Chapters to better connect and deliver services to the members. Chapter consultations have been done widely in the 1<sup>st</sup> and 2<sup>nd</sup> Quarter of 2014. Chapter budget line was increased by more than 600% as compared to the previous years (i.e. from less than TZS 10M to 68M). Plans that reflect commitment to build institutional capacity, decentralize CLE seminars and member services to chapters and expand legal aid services have been developed.

The rhetoric about re-invigorating the Chapters and devolving real authority to them is now steadily metamorphosing into reality. The council started the long route towards giving the Chapters statutory legitimacy by introducing amendments into the Tanganyika Law Society Act. The council took steps to ensure that our members in the Chapters start organizing themselves immediately so that when they are given legal status in the TLS set up.

### (a) Mwanza Chapter

The Mwanza Chapter is no longer an office with no fixed abode. It now has a place of domicile manned by a TLS salaried officer. Gasper Mwanalyela served as the Mwanza Chapter Convener in 2014. The number of Resident Advocates in the Chapter had grown to 120 by Feb 2014.

### (b) Arusha Chapter

Arusha Chapter has had a long history and we will not lay claim to any accolades for bringing it into life. TLS members in that area have had an intermittent way of associating but this Chapter existed like an orphan, wondering from chamber to chamber and unsupported by TLS until this Council took over leadership in February. On 16th August 2014 the Arusha Chapter was officially given a TLS funded office to call its own. This is the route to the Arusha Chapter. Akida Modest served as the Chapter Convener in 2014. The number of Resident Advocates in the Chapter had grown to 200 by Feb 2014.





**(c) Mbeya Chapter**

The Mbeya Chapter now has an office, launched in December 2014. It is now the only Chapter with full complement of Officers (5 Officers) running a UNICEF/TLS funded project. The Chapter Convener for 2014 is Joyce Kasebwa. The number of resident advocates by February 2014 had grown to 50.



**(d) Dodoma Chapter:**

Dodoma chapter, third largest with 80 resident advocates, has been very active for some years but support from the Secretariat has been lukewarm. The Council is engaging the leadership in Dodoma to give the Chapter a kiss of life. Godfrey Wasonga served as the Chapter Convenor in 2014.

**(e) Iringa Chapter**

We have a newborn Chapter, Iringa. Our colleagues from Iringa will not be coming to Arusha on the coat tails of their Mbeya big brothers. They will be in Arusha as an independent Chapter.

The Chapter has 45 resident advocates just close to its Mbeya big brothers. Ladislaus Kaijage served as the Acting Chapter Convenor in 2014.

**(f) Dar es Salaam chapter**

The mother of all TLS Chapters is now too huge to service the multitude of the members that populates the Chapter. It has neither an office nor a coordinating officer of its own. For the time being it is working under the care of TLS Secretariat. The thought process towards Balkanizing the chapter has started. Aisha Sinda served as the Dar es Salaam Chapter Convenor in 2014.



Other TLS Chapter Chapters include Tabora (lead by Mussa Kassim), Mtwara (led by Hussein Mtebwa), Tanga (led by Mohamed Kajembe) and Kilimanjaro (led by David Shilatu).

### **TLS Annual Elections**

Election Rules were first revised by the Council in the 1<sup>st</sup> Quarter of 2014 and adopted by the Governing Council in February 2014. Among the important changes introduced in the Election Rules is the 30 days deadline for nomination and vetting of candidates for the positions of President, Vice President and Treasurer. A vetting Committee appointed by the Governing Council is established to manage the process. The names will then be circulated to members early enough to give them time to know the candidates.

In the 4<sup>th</sup> Quarter of 2014 however, the Council has made further revisions to the Rules to address concerns on lengthy election process, Council tenure, planned evolution to leadership, and attributes for potential Society leaders.

This is a significant step forward towards strengthening democratic elections and building a strong Society leadership. The nominating Committee has the primary responsibility of ensuring smooth and effective transition of leadership in the organization.

### **Office Administration**

#### **Office Space**

Since July 2013, the Secretariat is housed at Plot 279, Regent Estate, Chato Street. In the reporting period, the Council approved more renovation work that was undertaken with the sole intent to increase two office rooms, guard shed, and a waiting area for Legal Aid clients. This was necessitated by the doubled number of staff. The observation is that with the enrolment of a number of officers, office space is still inadequate. This underscores the need to complete the Wakili house in the shortest time possible.

#### **Enhanced Use of Information and Communication Technology (ICT)**

With the employment of the Communications and Systems Administrator, and the Visibility Officer there has been an increased commitment to electronic communication especially with the TLS members via email, sms, website and the Social Media. Networked computer operation has been improved, with uninterrupted connectivity, state of the art software, and the ability to share information and work from common documents.

The Secretariat has fully operationalized the printing of ID cards at the Secretariat which is both cost effective and time saving, with superior quality and easy of monitoring. Waiting for IDs has reduced from an average on one month after renewal of membership to barely 10 minutes. Within a short period of time there has been very positive response from the memberships.

The expected outcome is for the TLS to lead the profession in adopting modern technologies to enhance the practice of law. A need arise for the adoption of an ICT Policy to maximize the benefit of expanded ICT capacity. A medium term

communication plan also needs to be adopted so as to avert possible tribulations associated with increased online and media visibility.

### **Use of New Accounting Software**

Computerized accounting software was installed in the 1<sup>st</sup> Quarter of 2014. Issuing of receipts has been fully electronic throughout the two quarters.

### **Summary of the Legal Aid Advocacy Centre (LAAC) Project**

The LAAC Project is a TLS constructional and organizational development project which aims at establishing a state-of-art facility. The LAAC is expected to bolster the increased provision of legal aid services by the TLS to the public and to expand on the provision of legal education services to the public through seminars. The LAAC will also have a library facility and advocacy initiatives as well as house the CLE program for the legal practitioners. In the current strategic plan 2013 -17, the LAAC Project remains a TLS priority activity and a permanent agenda item for the Council.

In the period under review, the governing Council undertook the task of consolidating contributions made from the inception of the Project to date. This involved sorting what has been paid, by who and when. The Council will determine the way forward in the third quarter.

## ENHANCED STRATEGIC LINKS WITH OTHER LAW SOCIETIES:

TLS has been able to be represented in the following international meetings:- Annual General Meeting of the Law Society of Kenya (March 2014); Annual IBA Bar Leaders Conference (May 2014) in Brussels, Belgium; Pan African Lawyers Union (PALU) General Assembly and Conference (June 2014) at Younde, Cameroun; Southern Africa Development Cooperation Lawyers' Association (SADCLA) AGM (August 2014) AT Victoria Falls, Zimbabwe; International Bar Association (IBA) Annual Conference (Oct 2014) at Tokyo, Japan; East African Law Society (EALS) AGM (Nov 2014) at Kigali, Rwanda; and International Insitute for Law Society Chief Executives (IILACE) Cape Town, South Africa.



Likewise TLS hosted, in the 2014 AGM at Arusha, the President of the East African Law Society (EALS) Mr Aggrey Mwamu, the President of the Law Society of Kenya Mr. Erick Mutua, A Council member from the SADC Lawyers Association – Ms. Regina Sinamtwa, President of the Zanzibar Law Society – Mr. Awadh Said, Council Member of the Rwanda Bar Association (RBA) – Mr. Musore Gakunzi Valery, Prof. Benard Sihanya – Advocate and Member of the Law Society of Kenya (LSK) and Mr. Busani Mabunda – Immediate Past President of the Law Society of South Africa all managed to attend.

As part of TLS reform initiatives, investing in international exchange and enhancing strategic links with other Law Societies promotes useful contacts and interchange between lawyers in Tanzania and the rest of the world and promoting the TLS image abroad.

## Enhanced Partnerships with CSOs, Judiciary, Parliament, Prisons Department and Other Legal Sector Actors

Several courtesy visits and collaborative meetings were conducted by the Governing Council to Key stakeholders in the Justice Sector as follows:-

- Courtesy visit to the Commissioner General of Prisons which was conducted on 13<sup>th</sup> May 2014. The Prisons Services Department expressed appreciation on the role TLS has played towards Prison decongestion.
- Courtesy visit to the Chief Justice of Tanzania on 14<sup>th</sup> May 2014 which resulted to greater continuous cooperation between TLS and the Judiciary with a need of strengthening Bench Bar Relations and collaborative services in the TLS Chapters.



- Other Courtesy visits were also paid by the Council in May 2014 to the Inspector General of Police and the Attorney General. With a visit to the later, the need to amend the Advocates Act and TLS Act were underscored.
- TLS Council members also participated in a workshop for disseminating research findings on using public interest litigation (PIL) to deliver democracy in Tanzania that was organised by the Institute of Judicial Administration and the International Governance Alliance on the 16<sup>th</sup> June 2014 in Dar es Salaam. The workshop was graced by the Chief Justice of Tanzania. It was attended in large numbers by Judges of the High Court. Stakeholders present at the workshop unanimously agreed on the importance of public interest litigation in upholding the rule of law and noted the challenges which as stakeholders they resolved to cooperate in tackling them.

### **Developing Strategic Partnership Proposals for Joint Action on Emerging Legal Issues**

- Signing of MOU with WaterAid and funding of TLS Position Booklet by Water Aid.
- Development of a MoU for the TLS Collaboration with the Law School Tanzania in providing legal aid.
- Development of a Concept Note on establishment of Partnership with Media Associations and Media Houses to petition against media unfriendly laws.
- Review and renewal of the MoU between TLS and CHRAGG on matters of human rights and good governance.
- Continuance of MoU with LAS on implementation of pro-bono Advocates project.
- The Constitutional Committee received the Ford Foundation delegation to TLS and discussed future partnership.

### **Reinvigorating TLS engagement with the EAC integration:**

Bar leaders Discussion on Mutual Recognition Agreements: Kigali – Rwanda March 2014

On 29<sup>th</sup> and 30<sup>th</sup> March, TLS, with other East African Community based law associations, participated in the 2<sup>nd</sup> meeting towards actualizing regulated cross border legal practice in East Africa through the Mutual Recognition Agreements (MRAs). The meeting was facilitated by GIZ. The discussions were based on 7 key points: governance, mode of supply, scope, eligibility, equivalence, atomicity and post approval mechanism.

In this meeting the following was agreed as the way forward:-

- a) MRAs Committee to constitute bar leaders (i.e. Presidents) and CEO of the Law Societies.
- b) TLS will continue with its internal consultations and advocating on amendments to the laws regulating the legal profession

TLS members were consulted through email to comment on the best way to regulate foreign legal practitioners. The response from the membership was generally very low.

Two follow up meetings on the MRAs negotiations were held on 30<sup>th</sup> and 31<sup>st</sup> July 2014 and in 29<sup>th</sup> October to 1<sup>st</sup> November 2014 in which the TLS Council presented the position of the Society that underscored the need for the Law Society to open up for practitioners in the region but with limited accessibility and strictly regulated by TLS.

At the EALS AGM on the 15<sup>th</sup> of November 2014, the President reiterated the TLS Council's position on the need to do more consultations to the wider membership of the TLS before signing of the MRA. The TLS President further reiterated to the TLS Council's earlier observations that the Tanzania Advocates Act is, in fact, providing more accessibility to the regions' lawyers in Tanzania's legal service market than any other law and perhaps the Sister Bar Association should consider pulling up to Tanzania's level first, before considering the MRA.



**INTRODUCTION:**

This fundraising narrative provides an insight into the current status of TLS fundraising activities, income and costs. External funding at TLS increasingly plays a key defining role to the Law Society's activities. In the year under review there has been a commendable increase in external funding for the TLS activities. The total income raised from external funders amounted to more than TZS 1 billion mainly from the Legal Services Facility (LSF) and the UNICEF.

In addition, the Council has been able to create the office of external funding that helps the TLS identify public and private funding sources, align TLS needs with available funding opportunities, provide the Council with regular updates, coordinate inter-departmental efforts for collaborative fundraising, enhance the TLS research capabilities and offer organization-wide grants and fundraising related training. The office of external funding is also responsible for fundraising for the TLS conferences.

With its age coming to limelight, the TLS is making a breakthrough in its funding strategy through deeper networks, greater reputation within the country and abroad, good working relationships with a range of organizations, and proven ability to survive through internal revenues.

**Strategy for the future:**

1. Rigorous re-assessment of TLS funding strategies is an ongoing initiative. Benchmarks are intended to be established as compared to other sister Bar Associations in the region and similar actors in the legal sector within the country and the East African region. This should inform best practices and assist in developing appropriate fundraising targets.
2. Stimulating dialogue about activities, income, expenditure and challenges faced by the TLS in fundraising in order to stimulate growth, ideas and advancement is at the forefront of the Society's agenda.
3. Improving the quality of data, reporting and transparency about TLS activities implemented through external funding also tops the Councils' agenda. Quality data should be readily generated to inform funders the potential that TLS has in shaping the Tanzanian Society.
4. Employing a wider range of techniques including direct mail, running events, soliciting large national and international corporations and businesses, and selling more TLS publications and other branded merchandise is also part of TLS resource mobilization plan.

5. Organizing large events is another avenue through which income may be obtained. Experience shows that large organizations have high potentials of raising a higher proportion of income through well organized events. The Bi-annual conference is one of the identified avenues. This, nonetheless, calls for more resource investment in terms of time and money.
6. Advertisement by way of public awareness campaigns is another avenue to be utilized more in the near future. This is intended to raise the TLS organizational profile among the Tanzanian public thus attracting more revenues that come with increased public confidence.
7. Increased collaborations with smaller organizations are also employed to make the TLS more visible at the same time leveraging human and financial resources.

## TANGANYIKA LAW SOCIETY

### AUDITORS' REPORT

We have audited the financial statements of the Tanganyika Law Society for the year ended 31<sup>st</sup> December 2014 as set out on pages 3 to 12. We obtained all the information and explanations, which we considered necessary for our audit.

### Respective Responsibilities of the Council and Auditors

The Council of the Society is responsible for preparation of the financial statements. Our responsibility is to form an independent opinion on those financial statements based on our audit and report that opinion to members of the Tanganyika Law Society.

### Basis of Opinion

We conducted our audit in accordance with International Standards on Auditing. An audit includes examination on a test basis, of evidence relevant to the amounts and disclosures in the Financial Statements. It also includes an assessment of significant estimates and judgments made by the Council in the preparation of Financial Statements and whether the accounting policies followed are appropriate to the circumstances of the Society, consistently applied and adequately disclosed. We accordingly planned and performed our audit so as to obtain all the information and explanations, which we considered necessary in order to provide evidence for a reasonable assurance that the Financial Statements are free from material misstatements.

### Opinion

In our opinion, the Financial Statements fairly present a true and fair view of the state of affairs of the Society as at 31<sup>st</sup> December, 2014, its surplus and cash flows for the year then ended and comply with generally accepted accounting practices and the Tanganyika Law Society Ordinance.

SALIM O. MANDARI – FCPA (T) – PP- 141, FTAA

**MANAGING PARTNER**

**MANDARI AND COMPANY**

**CERTIFIED PUBLIC ACCOUNTANTS**

**DAR ES SALAAM**

**DATE: 17/02/2015**

**TANGANYIKA LAW SOCIETY**  
**A STATEMENT OF FINANCIAL POSITION**  
**AS AT 31ST DECEMBER 2014**

		<b>2014</b>	<b>2013</b>
<b>ASSETS EMPLOYED:</b>	<b>NOTE</b>	<b>TZS</b>	<b>TZS</b>
<b>NON-CURRENT ASSETS</b>			
Land and Buildings		654,557,824	675,553,235
Furniture and Fittings		29,355,157	28,841,211
Library Books		4,837,397	5,528,454
Machinery and Equipment		23,811,344	26,823,264
Computers		5,606,857	5,446,971
Motor Vehicles		24,319,768	32,426,357
	<b>2</b>	<b>742,488,347</b>	<b>774,619,492</b>
<b>INTANGIBLE ASSET</b>			
Accounting Package	<b>3</b>	10,799,480	3,896,780
Less: Accumulated Depreciation		(5,276,291)	(1,962,377)
		<b>5,523,189</b>	<b>1,934,403</b>
<b>Total Non-Current Assets</b>		<b>748,011,536</b>	<b>776,553,895</b>
<b>CURRENT ASSETS</b>			
Debtors and Prepayments	<b>5</b>	87,343,848	10,302,791
Cash and Bank Balances	<b>6</b>	1,065,467,788	894,537,012
		<b>1,152,811,635</b>	<b>904,839,803</b>
<b>TOTAL ASSETS</b>		<b>1,900,823,171</b>	<b>1,681,393,698</b>
<b>RESERVES AND LIABILITIES</b>			
<b>Capital and General Reserves</b>			
Capital Fund	<b>7</b>	1,910,000	1,910,000
General Accumulated Fund		867,812	867,812
Revaluation Reserve	<b>8</b>	374,525,837	374,525,837
Surplus/(Deficit) Accumulated		826,009,406	670,329,489

<b>Total Capital and General Reserves</b>		<b>1,203,313,055</b>	<b>1,047,633,138</b>
<b>Deferred Grants and Contributions</b>			
Contributions towards Construction of LAAC		489,783,589	338,890,589
LAAC Contribution received in Advance		12,169,000	9,969,000
CBA Grant – Canadian Bar Association	9	27,842,388	1,260,770
LSRP Grant		0	3,345,384
BEST Two Grant		0	82,149,336
LSF Grant	10	14,896,427	0
TLS-IBA Mining conference	11	65,463,245	0
UNICEF	12	47,621,420	0
<b>Total Deferred Grants</b>		<b>657,776,069</b>	<b>435,615,079</b>
<b>Current Liabilities</b>			
Subscriptions Received in Advance		16,140,000	179,972,000
Creditors and Accrued Expenses	13	19,124,725	12,027,981
DAT Fund Contributions Payable	14	2,416,000	5,533,000
EALS Subscription Payable		2,053,322	612,500
<b>Total Current Liabilities</b>		<b>39,734,047</b>	<b>198,145,481</b>
<b>TOTAL RESERVES AND LIABILITIES</b>		<b>1,900,823,171</b>	<b>1,681,393,698</b>

NOTES 1 TO 14 FORM PART OF THESE ACCOUNTS



PRESIDENT

17/02/2015

DATE



HON. TREASURER

## TANGANYIKA LAW SOCIETY

### A STATEMENT OF COMPREHENSIVE INCOME AND EXPENDITURE FOR THE YEAR ENDED 31ST DECEMBER, 2014

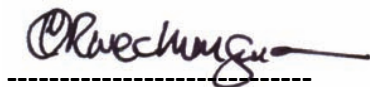
INCOME	NOTE	2014	2013
		TZS	TZS
Members' Contributions		1,268,442,600	858,164,746
CLE Income		431,644,152	190,651,724
Other Sources of Income		27,258,620	33,199,410
<b>Projects</b>			1,340,512,341
LSF Project expenses		173,642,687	0
SAJCEA project expenses		70,927,095	0
BHC Project Expenses		73,356,800	0
TLS- IBA MINING CONFERENCE		61,550,589	0
		<b>2,106,822,543</b>	<b>2,422,528,221</b>
<b>OPERATING EXPENDITURE</b>			
Staff Costs		361,733,923	215,764,186
Casual labourers		0	7,440,000
Office Costs		0	42,959,793
Printing and Stationery		2,232,200	16,674,130
Water and Electricity expenses		8,586,725	8,761,930
Communication expenses		12,148,560	30,725,878
Internet expenses		12,397,484	7,971,450
AGM Expenses		281,715,004	215,317,420
Half AGM Expenses		172,287,868	154,894,138
Council meeting Costs		18,027,641	25,337,495
Committee meeting Costs		21,225,375	19,546,424
Travel and Hotel Accommodation		77,567,114	52,516,229
Audit Fees		4,500,000	4,500,000
Consultancy charges		7,360,000	11,940,000



Dues and Subscription	14,002,500	8,636,828
Professional Fees and Insurance	1,478,734	143,750
Motor vehicle expenses	3,438,998	2,599,720
Generator and Fuel expenses	1,983,540	1,711,280
Generator repairs and maintenance	0	1,270,000
New Advocates Admission Ceremony	10,839,000	10,010,740
Newspapers and Periodicals	742,200	503,850
Staff Medical expenses	30,352,350	19,274,800
Staff welfare	11,032,300	8,406,543
Land rent and rates	635,751	535,212
Staff Training	4,327,000	5,247,000
Transport expenses	1,080,000	3,030,032
Repairs and maintenance	3,437,860	4,198,280
Computer repairs and maintenance	6,437,300	2,440,080
Cleanliness expenses	1,227,000	762,500
Security expenses	21,287,325	20,441,058
Bank Charges	1,766,209	2,432,168
Advertising and Publicity	9,487,695	5,762,993
CLE Expenses	156,001,501	91,227,320
Chapter expenses	41,842,802	2,750,000
Legal Aid expenses	34,045,800	0
Resource Centre Expenses	27,544,300	0
TLS Sixth Anniversary	22,928,250	0
Office expenses	6,523,425	3,506,400
Depreciation	2 57,521,300	59,534,890
<b>Project Costs</b>		
TLS-IBA Meeting Expenses	76,699,509	0
BEST project expenses	0	37,259,105
LSF Project expenses	173,642,687	284,223,886
LSRP Project expenses	0	582,699,596
PWD Project expenses	8,369,000	16,778,000
SAJCEA project expenses	70,927,095	44,294,000
FORD project expenses	98,402,500	10,282,980

BHC Project Expenses	73,356,800	0
<b>TOTAL OPERATING EXPENDITURE</b>	<b>1,951,142,625</b>	<b>2,044,312,084</b>
<b>(DEFICIT)/SURPLUS FOR THE YEAR</b>	<b>155,679,917</b>	<b>378,216,137</b>
<b>Less: Prior Year Adjustments</b>	<b>0</b>	<b>0</b>
	<b>155,679,917</b>	<b>378,216,137</b>
<b>ACCUMULATED SURPLUS BROUGHT FORWARD</b>	<b>670,329,490</b>	<b>292,113,353</b>
<b>ACCUMULATED SURPLUS CARRIED FORWARD</b>	<b>826,009,407</b>	<b>670,329,490</b>

**NOTES 1 TO 14 FORM PART OF THESE ACCOUNTS**



**PRESIDENT**



**HON. TREASURER**

**17/02/2015**

**DATE**

# TANGANYIKA LAW SOCIETY

## A STATEMENT OF CHANGES IN CAPITAL AND GENERAL RESERVES

FOR THE YEAR ENDED 31<sup>ST</sup> DECEMBER, 2014

Particulars	Capital	General Accum. Fund	Revaluation Reserve	Surplus/ (Deficit) Accum.	Total
	Fund	Accum. Fund	Reserve	(Deficit) Accum.	
	TZS	TZS	TZS	TZS	TZS
Balance as at 01.01.2014	1,910,000	867,812	374,525,837	670,329,489	1,047,633,138
Additions	0	0	0	155,679,917	155,679,917
<b>BALANCE AS AT 31.12.2014</b>	<b>1,910,000</b>	<b>867,812</b>	<b>374,525,837</b>	<b>826,009,406</b>	<b>1,203,313,055</b>

NOTES 1 TO 14 FORM PART OF THESE ACCOUNTS



PRESIDENT

17/02/2015

DATE



HON. TREASURER

## TANGANYIKA LAW SOCIETY

### CASH FLOW STATEMENT FOR THE YEAR ENDED 31<sup>ST</sup> DECEMBER, 2014

	2014	2013
	TZS	TZS
<b>CASH FLOW FROM OPERATING ACTIVITIES</b>		
Surplus / (Deficit) for the Year	155,679,917	378,216,137
Adjustments for Items not Involving Movement of Cash: -		
Prior Year Adjustments	0	
Depreciation	57,521,300	59,534,890
<b>Cash Flow from Operating Activities Before Changes in Working Capital</b>	213,201,217	437,751,027
<b>WORKING CAPITAL CHANGES</b>		
(Increase)/Decrease in Debtors	(77,041,057)	32,657,002
Increase/(Decrease) in Subscriptions Receive in Advance	(163,832,000)	50,014,000
Increase/(Decrease) in Creditors and Accrued Expenses	7,096,744	(146,100,765)
Increase/(Decrease) in DAT EALS Fund Contributions Payable	(1,676,178)	3,307,500
<b>NET INCREASE/(DECREASE) IN WORKING CAPITAL</b>	(235,452,490)	(60,122,263)

<b>NET CASH FLOW FROM OPERATING ACTIVITIES (A)</b>	(22,251,273)	377,628,764
<b>CASH FLOW FROM INVESTING ACTIVITIES</b>		
Additions to Capital Work in Progress	0	621,000,000
Acquisition of Non-Current Assets and Software	(28,978,940)	(720,793,669)
<b>Net cash flow investing activities (B)</b>	(28,978,940)	(99,793,669)
<b>CASH FLOW FROM FINANCING ACTIVITIES</b>		
Contributions – Construction of LAAC	153,093,000	113,108,000
BEST Grant	(82,149,336)	0
Canadian Bar Association	26,581,618	0
Legal Sector Reform Programme	(3,345,384)	0
LSF Grant	14,896,427	0
TLS-IBA Mining conference	65,463,245	0
UNICEF	<u>47,621,420</u>	<u>0</u>
<b>NET CASH FROM FINANCING ACTIVITIES (C)</b>	222,160,990	113,108,000
<b>Total Net Cash flows (A + B + C)</b>	170,930,777	390,943,095
<b>CASH AND CASH EQUIVALENTS AS AT 1<sup>ST</sup> JANUARY</b>	894,537,012	503,593,917
<b>CASH AND CASH EQUIVALENTS AS AT 31<sup>ST</sup> DECEMBER</b>	<b>1,065,467,789</b>	<b>894,537,012</b>

NOTES 1 TO 14 FORM PART OF THESE ACCOUNTS



PRESIDENT

17/02/2015

DATE



HON. TREASURER

# TANGANYIKA LAW SOCIETY

## NOTES TO THE ACCOUNTS

### NOTE 1: ACCOUNTING CONVENTION

#### 1.1 Basis of Accounting

The financial statements are prepared under the historical cost convention modified when necessary to include revaluation of non-current assets.

#### 1.2 Income

Members' subscription income is accounted for on cash basis. However, members' subscriptions paid in advance are recognized as income in the accounting period to which they relate.

#### 1.3 Depreciation

Depreciation is calculated on a reducing balance basis over the expected useful lives of the assets concerned. The following are the rates used to calculate depreciation and they are consistent with the ones applied in previous years:

Particular	Rate p. a
Land and Building	5%
Furniture and Fittings	12.5%
Library Books	12.5%
Machinery and Equipment	12.5%
Computers	37.5%
Motor Vehicles	25%

#### 1.4 Foreign Currency Transaction

Foreign currency transactions are translated using the exchange rate ruling on the transaction date. All monetary items at the yearend are translated at the prevailing rates on that date.



### COUNCIL'S RESPONSIBILITY IN RESPECT OF THE FINANCIAL STATEMENT

It is the responsibility of the Council to prepare financial statements of the Society for each financial year, that present a true and fair view of the state of affairs of the Tanganyika Law Society as at the end of the financial year.

The preparation of these financial Statements was based on appropriate accounting policies, which have been used and applied consistently. Reasonable, prudent judgment and estimates have been made in the preparation of the financial statements for the year ended 31 December 2014.

The annual financial statements for the year were prepared in accordance with the International financial Reporting Standards on a going concern basis. Nothing has come to the attention of the Council to indicate that the Society will not remain a going concern for the foreseeable future.

Adequate accounting records have been kept which at any time disclose with reasonable accuracy the financial position of the Tanganyika law Society. The assets of the Society have been safeguarded by taking reasonable steps for the prevention and detection of fraud, error and other irregularities.



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**CHARLES RWECHUNGURA**  
**PRESIDENT**  
**TANGANYIKA LAW SOCIETY**

**17/02/2015**

-----  
**DATE**

## NOTE 2:

## PROPERTY, PLANT AND MACHINERY

PARTICULARS	Land and Building	Furniture and Fittings	Motor Vehicles	Library	Books	Machinery and Equipment	Computers	Accounting Package	TOTAL
	TZS	TZS	TZS	TZS	TZS	TZS	TZS	TZS	TZS
<b>COST</b>									
Opening Balance 01.01.2014	711,108,669	53,310,026	57,646,857		21,897,200	58,346,949	49,882,639	3,896,780	956,089,120
Additions	13,455,000	4,707,540	0		0	389,700	3,524,000	6,902,700	28,978,940
<b>Balance As At 31.12.2014</b>	<b>724,563,669</b>	<b>58,017,566</b>	<b>57,646,857</b>		<b>21,897,200</b>	<b>58,736,649</b>	<b>53,406,639</b>	<b>10,799,480</b>	<b>985,068,060</b>
<b>DEPRECIATION</b>									
Opening Balance 01.01.2014	35,555,433	24,468,815	25,220,500		16,368,746	31,523,685	44,435,668	1,962,377	179,535,224
Charge for the Year	34,450,412	4,193,594	8,106,589		691,057	3,401,621	3,364,114	3,313,914	57,521,300
<b>Balance As At 31.12.2014</b>	<b>70,005,845</b>	<b>28,662,409</b>	<b>33,327,089</b>		<b>17,059,803</b>	<b>34,925,306</b>	<b>47,799,782</b>	<b>5,276,291</b>	<b>237,056,524</b>
<b>NET BOOK VALUE AS AT</b>									
<b>31.12.2014</b>	<b>654,557,824</b>	<b>29,355,157</b>	<b>24,319,768</b>		<b>4,837,397</b>	<b>23,811,344</b>	<b>5,606,857</b>	<b>5,523,189</b>	<b>748,011,536</b>
<b>NET BOOK VALUE</b>									
<b>AS AT 31.12.2013</b>	<b>675,553,236</b>	<b>28,841,211</b>	<b>32,426,357</b>		<b>5,528,454</b>	<b>26,823,264</b>	<b>5,446,971</b>	<b>1,934,403</b>	<b>776,553,896</b>

## TANGANYIKA LAW SOCIETY

### NOTE 3: INTANGIBLE ASSETS

Intangible assets included in the accounts comprise software purchased by the society during the period under review as follows:

	2014 TZS.	2013 TZS.
a) Accounting Package	3,593,926	3,593,926
b) Antivirus Software	302,854	302,854
c) Pastel Accounting Software	6,902,700	0
	10,799,480	3,896,780
Less: Accumulated Depreciation	5,276,291	1,962,377
<b>Net Balance</b>	<b>5,523,189</b>	<b>1,934,403</b>

### NOTE 4: WAKILI HOUSE PROJECT – TSHS. 724,563,669

This constitutes the revalued cost of acquisition of property at plot No. 391 Chato Street, Regent Estate – Kinondoni, Dar es Salaam and architect fees in preparation for construction of Wakili House and renovation costs. The total costs has been capitalized 2013 year of income following beginning utilization of utilization of the premises.

### NOTE 5: DEBTORS AND PREPAYMENT

	2014 TZS.	2013 TZS.
Prepaid Insurance	5,296,151	5,402,210
Prepaid Medical Expenses	6,269,608	3,806,464
Prepaid internet charges	3,400,000	0
Receipt Control account	6,130,000	0
Staff Loans	66,248,089	1,094,117
<b>TOTAL</b>	<b>87,343,848</b>	<b>10,302,791</b>

### NOTE 6: CASH AND BANK BALANCES

Legal Sector Reform Programme (LSRP)	0	0
Best Funds	147,785	3,452,519
TLS Chapter and Committee Funds	0	8,033,847
Exim Bank	18,405,679	45,214,853
CRDB Bank – Current	0	77,854,559
Wakili House - Current CRDB	167,102,889	36,763,889
ECObank Tanzania Ltd	103,944,132	277,586,719
Barclays bank-LAAC Account	277,052,900	243,000,000
CRDB Bank	6,207,362	144,701,520
CRDB Bank - UNICEF	47,621,420	0

CRDB Bank - PWD	1,230,300	4,340,300
Petty Cash	(9,705)	53,500
TLS CRDB – USD 600	40,491,205	4,462,544
TLS CRDB – USD 602	81,687,951	3,415,888
GF CRDB	3,941,584	0
KCB -LSF	156,000,000	0
M. PESA	161,644,286	45,656,873
<b>TOTAL</b>	<b><u>1,065,467,788</u></b>	<b><u>894,537,011</u></b>

**NOTE 7: CAPITAL FUND – TSHS. 1,910,000**

The amount is made up of contributions made as initial capital when the Tanganyika Law Society was formed in 1955.

**NOTE 8: REVALUATION RESERVE – TSHS. 374,525,837**

(1) The Society's library books were revalued as at 31<sup>st</sup> December, 2005 by F. K. Law Chambers on the basis of current market values. The resultant surplus on revaluation of TZS. 25,714,974 was credited to the revaluation reserve account. During the year to 31.12.2006 a number of library books worth TZS. 10,286,000 and for which a total provision for depreciation of TZS. 3,395,184 had been accumulated were disposed of. The revaluation reserve was consequently reduced to TZS. 18,824,158.

(2) The Society Commissioned the valuation of the property for Wakili House Project which was done by M/s Nyange Associates as at 31 December 2011. The total valuation amounted to Tshs. 571,000,000 resulting to a revaluation surplus of TZS. 355,701,679 that has been credited to the Revaluation reserve account.

**NOTE 09: CANADIAN BAR ASSOCIATION GRANT**

Strengthening access to justice for Children and Youth in East Africa (SAJCYEA) is a project implemented in Kenya, Uganda and Tanzania and supposed by the Canadian Bar Association (CBA) and the Canadian International Development Agency (CIDA). The objective of the program is to strengthen access to justice for children and youth in east Africa through collaboration with respective bar association in East Africa and relevant partners in government and civil society. It is a four years project implemented in Tanzania Mainland, Kenya and Uganda from 2013 to 2017, however implementation began with preparation phase from January to April 2013.

During the year under review a total of TZS. 97,508,713 was received from CBA; as at 31st December, 2014 there was a balance of TZS. 46,937,130 remaining in the account after deducting expenses worth TZS. 90,937,130 as shown below.

	<b>2014</b>	<b>2013</b>
	<b>TZS</b>	<b>TZS</b>
Opening Balance	39,597,871	1,260,769
Receipts	0	84,135,383
	39,597,871	85,396,152
Less: Payments (Expenses)	0	0
Project Supporting Expenses	11,755,483	45,798,281
<b>CASH BALANCE</b>	<b><u>27,842,388</u></b>	<b><u>39,597,871</u></b>

**NOTE 10: LEGAL SERVICES FACILITY**

In July 11, a development cooperation agreement, the Tanzania Governance Support Programme 2011-2015, was signed between Tanzania and Denmark. Under the legal aid basket fund in the name of Legal Service Facility with overall objective of promoting and protect human rights for all, particularly for poor women, children and men and vulnerable people living with HIV/AIDS. The balance as at December 31, 2012 was as here under.

	<b>2014</b>	<b>2013</b>
	<b>TZS</b>	<b>TZS</b>
<b>Receipts from LSF</b>		
Opening balance	277,586,719	183,657,757
Receipts	0	349,822,158
	-	-
Other Receipts	0	0
	277,586,719	533,479,915
Less: Expenditure	173,642,687	255,893,196
<b>BANK BALANCE 31.12.2014</b>	<b><u>103,944,032</u></b>	<b><u>277,586,719</u></b>

**NOTE 11: TLS – IBA MINING CONFERENCE**

From 8th to 9th September 2014 the International Bar Association (IBA) in collaboration with the Tanganyika Law Society (TLS) organized an International conference in Dar es Salaam, Tanzania under theme Mining in Africa: Opportunities and Legal Challenges.

Funding for the conference expenses was from registration fees from participants

Opening Balance	0	0
Receipts	121,749,234	0
Less: Payments (Expenses)	(76,699,509)	0
<b>BALANCE ON 31<sup>ST</sup> DECEMBER, 2014</b>	<b><u>45,049,725</u></b>	<b><u>0</u></b>

**NOTE 13: CREDITORS AND ACCRUALS**

PPF Fund	0	1,202,375
13th Salaries	0	3,914,005
Supplies Control account	3,663,540	0
Telephone	0	1,417,100
Mandari & Co. - Audit Fees	4,500,000	4,500,000
Mount Meru Accommodation	6,358,060	0
Other Creditors	0	90,000
Dodoma Seminar	4,170,000	0
PAYE, SDL & Other tax payable	<u>433,125</u>	<u>0</u>
CLE travelling- VERA International travel	0	904,500
<b>TOTAL</b>	<b><u>19,124,725</u></b>	<b><u>12,027,980</u></b>

**NOTE 14: DECEASED ADVOCATE TRUST FUND CONTRIBUTIONS**

The Society collects its members' contributions to the Deceased Advocate Fund and remits the same to that Fund from time to time. Tshs 2,416,000 of such collections had not been remitted to DATF as at 31<sup>st</sup> December, 2014.



## ANNEXTURE I: SUMMARY OF THE CLE SEMINARS CONDUCTED IN 2014

S/N	DATE	CLE TOPIC	CHAPTER	ATTENDANTS	PRESENTERS
1.	21 <sup>st</sup> and 22 <sup>nd</sup> February (AGM)	The Constitutional Review Process in Tanzania: Reflections on the Constituent Assembly, Referendum Monitoring and Experience From Neighboring Countries	Arusha	1824	<ol style="list-style-type: none"> <li>1. Dr. Hawa Sinare</li> <li>2. Mr. Peter Kibatata</li> <li>3. Mr. Busani Mabunda</li> </ol>
2.	11 <sup>th</sup> April	Derivative Claims: A Device for Protection of Minority Shareholders	Dar es Salaam	170	Dr. Wilbert Kapinga
3.	16 <sup>th</sup> April	Investment Disputes Settlement: The Legal Framework under the Tanzania Investment Act, CAP 38.	Tanga	28	Dr. Saudin Mwakaje
4.	25 <sup>th</sup> April	Access to Justice ( TLS and LHRC)	Dar es Salaam	177	<ol style="list-style-type: none"> <li>1. Prof. Chris Maina Peter</li> <li>2. Mr. Francis Stolla</li> </ol>
5.	09 <sup>th</sup> May	Litigation: How to prepare the Skeleton Arguments before the Court of Appeal of Tanzania.	Mwanza	83	Dr. Angelo Mapunda
6.	12 <sup>th</sup> May	Labour Law: Preparing Labour Contracts in Line with Labor Laws of Tanzania and Providing Clients with Labour Advice.	Tabora	30	Mr. Nuhu Mkumbukwa
7.	23 <sup>rd</sup> May	Capital Markets Operations in Tanzania: The Law Relating to Unit Trust.	Moshi	77	Mr. Jonathan Njau
8.	06 <sup>th</sup> June	Competition Law: Notification Procedures and Requirements for Mergers and Acquisitions.	Arusha	153	Dr. Frederick Ringo
9.	14 <sup>th</sup> June	Litigation: How to Prepare the Skeleton Arguments before the Court of Appeal of Tanzania.	Tabora	22	Dr. Angelo Mapunda

10.	20 <sup>th</sup> June	Criminal Law: Prosecution and Defending White Collar Crime.	Dodoma	68	Mr. Alex Mgongolwa
11.	21 <sup>st</sup> June	Practice Management for New Advocates	Dar es Salaam	132	1. Mr. Charles Rwechungura 2. Mr. Kamara Mpay
12.	27 <sup>th</sup> June	Telecommunication: Consumer issues.	Dar es Salaam	146	Ms. Elizabeth Nzagi
13.	11 <sup>th</sup> July	Professional Negligence	Mbeya	56	Dr. Alex Nguluma
14.	22 <sup>nd</sup> through to 25 <sup>th</sup> July	Comprehensive Training on Taxation.	Dar es Salaam	135	1. Prof Florens Luoga 2. Hon. Fauz Twaib 3. Mr. Nicholas Duhia 4. Mr. Beatus Malima 5. Mr. Erasmo Nyika
15.	01 <sup>st</sup> August	Ethics for Advocates and Liability of Lawyers in Tanzania.	Mwanza	83	Mr. Jotham Lukwaro
16.	16 <sup>th</sup> August	Repositioning the TLS as we Mark the 60 <sup>th</sup> Anniversary (HAGM)	Arusha	1415	1. Hon. Judge Dr. Fauz Twaib 2. Justice (rtd) Thomas Mihayo 3. Mr. Collins Odhiambo
17.	29 <sup>th</sup> August	Salient features of Public Procurement Act, 2013 and the Way Forward.	Tanga	33	Mr. Joseph Ndazi
18.	12 <sup>th</sup> September	Legal and Practical Aspects of E-transactions and E-justice administration	Dar es Salaam	79	Mr. Adam Mambi
19.	26 <sup>th</sup> September	Competition Law: Notification Procedures and Requirements for Mergers and Acquisitions	Dar es Salaam	104	Dr. Deo Nangela
20.	31 <sup>st</sup> October	Litigation: How to Prepare the Skeleton Arguments before the Court of Appeal of Tanzania	Tanga	86	Dr. Angelo Mapunda

21.	07 <sup>th</sup> November	Capital Markets operations in Tanzania: The Law Relating to Unit Trust.	Dar es Salaam	137	Mr. Jonathan Njau
22.	21 <sup>st</sup> November	Labour Law: Preparing Labor Contracts in Line with Labor Laws of Tanzania and Providing Clients with Labor Advice.	Mbeya	36	Mr. Nuhu Mkumbukwa
23.	26 <sup>th</sup> November	Drafting of Applications	Dar es Salaam	96	Dr. Frederick Ringo
24.	27 <sup>th</sup> November	Practical Advocacy Skills for Lawyers: Case Analysis	Dar es Salaam	34	
25.	28 <sup>th</sup> November	Practical Advocacy Skills for Lawyers: Case Analysis	Dar es Salaam	30	
26.	06 <sup>th</sup> December	Practice Management for New Advocates	Dar es Salaam	168	Mr. Kamara Mpaya
27.	12 <sup>th</sup> December	Professional Negligence	Dar es Salaam	160	Dr. Alex Nguluma
28.	19 <sup>th</sup> December	Developing Viable Partnerships	Dar es Salaam	97	Mr. Charles Rwechungura
29.	19 <sup>th</sup> December	Handling Clients & Ethical Issues	Dodoma	37	Mr. Alex Mgongolwa
30.	19 <sup>th</sup> December	Tax Obligations and Compliance for Law Firms	Moshi	51	Mr. Ayoub Mtafya

## ANNEXURE II: CLE INCOME AND EXPENDITURE

DATE	REGION	PAX	INCOME	EXPENDITURE	E X C E S S I N C O M E / D E F I C I T
11.04.2014	DAR ES SALAAM	170	10,210,000	6,414,750	<b>3,795,250</b>
16.04.2014	TANGA	28	1,680,000	2,277,500	<b>(597,500)</b>
09.05.2014	MWANZA	83	5,090,000	3,636,000	<b>1,454,000</b>
12.05.2014	TABORA	30	1,800,000	1,934,000	<b>(134,000)</b>
23.05.2014	MOSHI	77	4,620,000	2,817,000	<b>1,803,000</b>
06.06.2014	ARUSHA	153	9,160,000	6,397,600	<b>2,762,400</b>
14.06.2014	TABORA	22	1,320,000	776,500	<b>543,500</b>
20.06.2014	DODOMA	68	4,080,000	3,159,000	<b>921,000</b>
21.06.2014	DAR ES SALAAM	132	5,240,000	6,044,000	<b>(804,000)</b>
27.06.2014	DAR ES SALAAM	146	8,760,000	6,338,500	<b>2,421,500</b>
11.07.2014	MBEYA	56	3,360,000	2,520,000	<b>840,000</b>
22-25.07.2014	DAR ES SALAAM	135	40,500,000	36,006,250	<b>4,493,750</b>
01.08.2014	MWANZA	83	5,270,000	4,355,000	<b>915,000</b>
29.08.2014	TANGA	33	2,044,000	2,381,000	<b>(337,000)</b>
12.09.2014	DAR ES SALAAM	79	4,740,000	4,820,000	<b>(80,000)</b>
26.09.2014	DAR ES SALAAM	104	7,080,000	5,060,000	<b>2,020,000</b>
31.10.2014	TANGA	86	5,200,000	2,387,186	<b>2,812,814</b>
07.11.2014	DAR ES SALAAM	137	8,310,000	3,200,000	<b>5,110,000</b>
21.11.2014	MBEYA	36	2,180,000.00	2,045,000.00	<b>135,000.00</b>
26.11.2014	DAR ES SALAAM	96	5,810,000.00	2,700,000.00	<b>3,110,000.00</b>
27.11.2014	DAR ES SALAAM	34	2,110,000.00	1,400,000.00	<b>710,000.00</b>
28.11.2014	DAR ES SALAAM	30	1,870,000.00	1,200,000.00	<b>670,000.00</b>
06.12.2014	DAR ES SALAAM	168	6,720,000	4,970,000	<b>1,750,000</b>
12.12.2014	DAR ES SALAAM	160	9,740,000	2,200,000	<b>7,540,000</b>
19.12.2014	DAR ES SALAAM	97	6,000,000	2,700,000	<b>3,300,000</b>
19.12.2015	DODOMA	37	2,220,000	3,220,000	<b>(1,000,000)</b>
19.12.2016	MOSHI	52	3,220,000	3,338,000	<b>168,000</b>
	<b>A c c r e d i t e d S e m i n a r s</b>				<b>4,516,180</b>
<b>TOTAL</b>			<b>182,896,568</b>	<b>124,347,286</b>	<b>58,885,282</b>

### ANNEXTURE III: ETHICS MATTERS

S/N	Name of the Complainant - & Advocate complained of - Contacts	Nature of the Complaint	Committee directives	Status
1	SUDI IBRAHIM VS. SELESTINE KADOGO ESQ	The advocate is alleged to have failed to prepare documents and enter appearance in court despite being paid his instruction fees.	Advocate directed to refund the fees to the claimant.	Settled. Advocate refunded the fees as ordered by the committee.
2	AMBROSI LAZARO MUSHI VS. GILBERT NDASKOY MUSHI ADVOCATE	The advocate is alleged to have failed to prepare appropriate court documents and enter appearance in court.	Advocate directed to refund fees to the claimant.	Pending For Refund
3	CHARLES KITABAZI VS. MASHAKA EDGAR MFALA ADVOCATE	The advocate is alleged to have forged a will.	The Committee directed that the same be raised in court because the case is still pending in court	Closed.
4	VICTORIAN B. NACHENGA VS. EMMANUEL MKENE ADVOCATE	The advocate refused to give back a case file to the claimant. The claimant further claims to have been overcharged by the advocate.	The committee has finalized hearing of this complaint	Pending For a Ruling
5	PETER IBRAHIM VS. DEOGRATIUS MWARABU & SOUTH LAW CHAMBER	Refund of fees – The claimant alleged that the firm over deducted their fees from his settlement amount.	The committee directed the Law firm to reimburse the claimant	SETTLED
6	HEVEN LIGHT MNENEY V. G. P. SANDI ADVOCATE	Advocate is alleged to frustrate the judicial process in a matter of administration of deceased estate in which the complainant is involved.	The committee directed reference to be made with Moshi Chapter Convener to facilitate completion of pleadings and hearing	Pending

7	DR. SWAI GODFREY VS. G. P SANDI ADVOCATE	The advocate is alleged to have handled over title deed to the buyer before the seller was fully paid contrary to the sale agreement and claimant(seller) instructions	The Committee advised the matter to be communicated to Moshi chapter Convener for completion of pleadings and hearing	Pending
8	SUNGURA FELIX KIMOSO VS. MATRIN RWEHUMBIZA ADVOCATE	Complainant alleged among other things that he was induced to conclude agreement to purchase land after being convinced with advocate that the seller had power of attorney authorizing him to sale the property.	The Committee Received oral evidence of both parties, cross examined Witness and directed the advocate to assist the complainant to recover his money	Pending for further Orders.
9	SAUMU MUSSA KAKUYU VS. OKARE ESAMU ADVOCATE	- The complainant alleges that the Advocate mishandled her case as a result the case was struck out	The committee ordered the advocate to refund fees – The advocate has reimbursed claimant fees	Pending for further orders.
10	JOSEPH KIPUTA VS. DIEONEL MSEMWA ADVOCATE	The complainant alleges that the advocate misappropriated his fees and he has failed to work out a conveyance transaction instructed by the complainant	The committee directed advocate to refund fees deposited to him and reconciled the parties.	Settled – Await Refund
11	ABDUL ZAHARANI SALIMU & OTHERS AGAINST BENNO MALLISA ADVOCATE	The complainants alleges among other things that the advocate has failed to return two original title deeds that were deposited to him by the claimants	Pending completion of pleadings	Pending



12	SYSCORP MEDIA AGAINST ADVOCATE PETER DOMINIC MSHIKILWA	The complainant company alleges that the advocate failed to file WSD and enter appearance in Court	Await completion of pleadings.	Await hearing
14	FABIAN PAULO & THEOBALD PAULO AGAINST M MBILINYI ADVOCATE	The advocate is alleged to have refused to handle over case file to the claimant	A prayer for Extension of time for advocate to file a defense granted.	Hearing
15	DAUDI JULIUS MAIGA AGAINST LLYOD NCHUNGA ADVOCATE	The advocate is alleged to have expropriated TZS 78,695,138 M being claimant settlement award	Advocate ordered to file a defense	Hearing
16	KANISUS MROPE AGAINST ADOLOS LAW CHAMBERS –METHEW NKANDA	The complainant alleges that the Advocate has refused to handle over a case file to him	Await completion of pleadings	Hearing
17	ABDALLAH ATHUMAN KALENGO AGAINST FRANCIS K STOLLA	Complainant alleges that the advocate has refused to return documents relating to his case	Await completion of pleadings	Pending
18	SALVATORY LIHONDO & OTHERS AGAINST MRS R. T. D KAMUGISHA	The complainants alleges that the advocate did not provide to them with case update nor explain settlement payment advanced to them by the Advocate	Await completion of pleadings	Pending
19	CHRISTOPHER &OTHERS Against KIOZYA M. M – GANRICHE & COMPANY ADVOCATES	The complainants alleges that the advocate failed to institute a case notwithstanding being paid fees	Await completion of pleadings	Pending
20	LEONARA INNOCENT AGAINST KIOZYA M. M – GANRICHE & COMPANY ADVOCATES	The complainant alleges that the advocate failed to institute appeal notwithstanding being paid fees	Await completion of pleadings	Pending

21	IBRAHIMU B. SEMKAMBA AGAINST MOHAMED MKALI ADVOCATE	The complainant alleges that the advocate has refused to return to him documents and he also claim for a refund of fees as the advocate did not perform any task as instructed by the complainant	Await completion of the pleading	Pending
22	ILALA MUNICIPAL DIRECTOR AGAINST IDD MUSSA MSAWANGA ADVOCATE	The complainant alleges that the Advocate usurp powers of the Municipal Director and sworn in elected local government leaders in Segerea – Ilala district	Advocate directed to file a defense & complied	Pending Hearing
23	FATMA HUSSEIN MOHAMED AGAINST MUCCADAM, TAHER	The complainant alleges that the advocate has refused to handle over a letter of offer for her property	Await completion of the pleading	Pending
23	YAHAYA ATHUMAN AGAINST MUSA A ROMA ADVOATE	The complainant alleges that the advocate failed to appear and defend him in court	Await completion of the pleading	Pending
24	GEORGE BARABARA & OTHERS AGAINST HASSANI KILULE ADVOCATE	The complainant alleges that the advocate failed to institute A case as instructed	Await completion of the pleading	Pending
25	MESAUSY B CHENGULA AGAINST AUDAX TIBAIZUKA ADVOCATE	The complainant alleges that the advocate failed to appear in court in Complainant case notwithstanding being paid advance fee	Await completion of pleading	Pending
26	HASSAN ABDALLAH AGAINST ELIAS JULIAS KIFUNDA ADVOCATE	The Advocate is alleged to have failed to deliver a case file to the complainant	Await completion of the pleading	Pending

<b>27</b>	MWL. SIFUNI MBWAMBO & OTHERS AGAINST J. S. MSHANA ADVOCATE	The Advocate is alleged to deliberate frustrate complainants case	Await completion of Pleading	Pending
<b>28</b>	KHATIBU HASSAN KHATIB AGAISNT ADVOCATE S. N MDAMU	The advocate is alleged to have failed to enter appearance in court and represent complainant	Pending completion of pleading	Pending
<b>30</b>	VICTUS SLVESTER STAMULI AGAINST KENNETH MAGANGA TUSUBIRA	The advocate is alleged to failed to pursue client instruction notwithstanding being paid his fees	Pending completion of Pleading	Pending
<b>31</b>	CANISIUS N MBUSA AGAINST JAMES MAUGO ADVOCATE	The advocate is alleged to use delaying tactics to frustrate a case in which complainant is involved	Pending completion of pleading	Pending
<b>32</b>	WILLIAM DAN IKO AGAISNT MAIRA & CO ADVOCATES	The firm is alleged to have abandoned complainant case	Hearing Complete	CLOSED
<b>33</b>	EKART ASAGWILE MWANKENJA AGAINST MARTIN RWECHUMBIZA ADVOCATE	The complainant alleges that the advocate failed to cooperate with relevant public authorities and assist him to recover costs incurred from his damaged vehicle	Hearing Complete	CLOSED
<b>34</b>	MARK JOSEPH MAGUBIKA AGAINST JETHRO TURYAMWASIGA	The complainant alleges that the advocate failed to appear in court in Complainant case notwithstanding being paid advance fee	Pending completion of the pleading	Pending
<b>35</b>	ROSE MAGOTTI AGAINST KAROLI FABIAN ADVOCATE	The complainant alleges that the advocate failed to pursue client instruction in settling debt with the bank	Pending completion of pleading	Pending

36	MWATUM ABDALLAH AGAINST MUSSA KASIM ADVOCATE	The complainant alleges that the advocate failed to pursue client instruction in handling complainant matrimonial case	Pending completion of pleading	Pending
37	OMARI RAMADHANIMDOGWA AGAINST CHABURUMA ADVOCATES	The firm/Advocate is alleged to have abandoned complainant case	Pending completion of pleading	Pending
38	SALMA M TOFFIKI AGAINST ALEX MAKULILO ADVOCATE	The advocate is alleged to have failed to appear in court notwithstanding being paid his fees	Pending completion of pleading	Pending
39	JIMMY ANDY SANDY AGAINST KAMSU LAW CHAMBERS – DODOMA	The firm is alleged to have accepted complainant instruction and fees but failed to represent him in court	Pending completion of pleading	Pending
40	JULIUS MWAKALONGE AGAINST EZEKIEL E DOMIC & MASAKA MICHAEL THOMAS ADVOCATES.	The advocates are alleged to have failed to appear in appeal case against the complainant case notwithstanding being paid instruction fees	Pending completion of pleading	Pending
41	HONORATH NICHOLOUS NGOWI AGAINST KAROL FABIANI MLUGE ADVOCATE	The complainant alleges that the advocate has failed to return to him his title deed. He also claim for a refund of his instruction fees	Await completion of pleading	Pending
42	NMB AGAINST HURBET NYANGE ADVOCATE	The complainant alleges several misconducts against the Advocate	The committee ordered the advocate to file his defense. Defense filed, await reply to WSD from NMB	Pending











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