

TANGANYIKA LAW SOCIETY

THE GOVERNING COUNCIL ANNUAL REPORT 2023

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ACRONYMS AND ABBREVIATIONS

AYL	THE ASSOCIATION OF YOUNG LAWYERS
TLS	TANGANYIKA LAW SOCIETY
IGA	INTERGOVERNMENTAL AGREEMENT
CSO	CIVIL SOCIETY ORGANIZATIONS
CLE	CONTINUING LEGAL EDUCATION
GC	GOVERNING COUNCIL
TIAC	TANZANIA INTERNATIONAL ARBITRATION CENTRE
SMART	SPECIFIC, MEASURABLE, ATTAINABLE, REALISTIC, TIME-BOUND
PCCB	THE PREVENTION AND COMBATING OF CORRUPTION BUREAU

MESSAGE FROM THE PRESIDENT

Dear Learned brothers and sisters,

On behalf of the Governing Council, we are pleased to present to you the Governing Council Annual Report for calendar year 2023. The report highlights in detail, the achievements attained and challenges encountered by the Law Society in executing the mandate of TLS provided in section 4 of the TLS Act and as outlined in the TLS Strategic Plan 2023 – 2025. It is my hope that you will find this report informative and inspiring.

TLS is among the oldest Bar Associations in Africa, with a rich history and list of respected members. This 2024, we are now celebrating the 70th anniversary of TLS. Our Annual General Meeting will be the commencement of the 70th anniversary celebrations. As we celebrate, we shall equally, make it a memorable event for years to come. The anniversary invites some of the most respected legal minds in our country for purposes of reflecting and sharing the successes, challenges and lessons registered by TLS in pursuing its mandate for the past 70 years. I hope that the self-reflection will show the adaptability, perseverance and tenacity of the Law Society - traits which we aspire to cherish in the present times. For all those years, Tanganyika Law Society has become a lead in the legal profession and the justice sector in Tanzania. On multiple fronts, we have taken actions on our strategic priorities, a firm stance in defending rule of law, and proactive measure in addressing members welfare. Let me share with you some of these actions.

In our tenure, and in line with our statutory obligation, we took action to respond to the restrictive legal framework holding back national social, economic, legal and technological development. For instance, after rigorous analysis of the Tax Administration Act, Cap 438 (R.E 2019), we observed some provisions in the Tax Administration Act, Cap 438 are punitive to taxpayers in Tanzania and hold back the government efforts to make Tanzania friendly tax regime. Understanding the significant of friendly tax regime in economic growth, especially for small and medium business, we made a bold decision to file a public interest litigation case to challenge punitive provisions in the Tax Administration Act, Cap 438 (R.E 2019). On criminal justice reforms, we have submitted to the relevant authorities TLS recommendations on what TLS sees as meaningful criminal justice reforms. In addition, our involvement in the legislative processes was a common practice. On several occasions, we were consulted by the Government and Parliament to provide inputs on existing legislation the government intended to see them amended and new legislation the parliament intended to enact. We have appeared before relevant Parliamentary Committees to make a case for the legislative reforms that create conducive CSO operating environment and enabling environment in political and democratic process. These are just a tip of an iceberg of TLS involvement in legislative process and court-centric advocacy to defend rule of law through public interest litigation. We took all these actions while remaining true to our core values: integrity, professionalism, respect, courage, empowerment

We have taken measures to represent, protect and assist members. We took a bold decision to withdraw TLS representatives from the Advocates Committee to protest the decision of the chairperson of the National Advocates Committee to suspend TLS member senior Advocate Mpale Mpoki to practice law in Tanzania for the six months period. In line with the decision to withdraw TLS members in the Advocates Committee, we directed TLS Members Welfare Committee to prepare and submit to the Governing Council legal opinion on the legality of the

composition of the advocates committee. Going forward, this legal opinion will be used by TLS to challenge the legality of decision of Advocates Committee. On Advocate Mpoki's suspension, we went further by issuing a public statement expressing the Governing Council disagreement with the decision made by the chairperson of the National Advocates Committee to suspend Advocate Mpoki to practice law in Tanzania for a period of six month.

Furthermore, we have taken measures to protect the profession from illegal practice. For the first time ever, TLS launched Anti-Vishoka Task Force in every zone. Zonal Task Forces is part of TLS measures to stop illegal practice through awareness raising and engagement with relevant stakeholders including criminal justice institutions. These went hand in hand with our advocacy which led to amendment of sections 41 and 42 of the Advocates Act Cap 341 where the penalty was increased from two thousand shillings to twenty million shillings as fines and increasing 12 months imprisonment to three years where a person illegally assumes the role of an advocate.

We have managed to overcome the obstacle which stumbled our society for 70 years – i.e. annual elections. At least now TLS will be able to save substantial amount of money which otherwise would have been used for elections held every year. The Act no,11 of 2023 amended section 15 of the TLS Act cap 307 to increase the tenure of office of the governing council to 3 years. This is a great milestone. Meanwhile we are still challenging the unnecessary added obstacle imposed on aspiring members of the Governing Council whereas the 10 years of practice happen to discriminate against young lawyers and that case is still pending in court .

We have been able to increase the revenue from 2.52 billion in 2022 to 3.14 billion shillings in 2023; we have increased financial discipline buy ensuring that all TLS Chapters are using internet banking for purposes of transparency and accountability. Moreover, we have brought back several partners to support TLS these include, GiZ; EU. LWOB. FCDO, Irish and Belgium Embassies to mention a few. We have entered an MoU with the National Insurance Corporation for purposes of establishing TLS Insurance Agency; we have equally reviewed and passed several policies including the Investment and Resource Mobilization; Risk Management; Procurement; Ethics Committee Disciplinary Proceedings Rules; and revised the Financial Policy as well as the Human Resources Policy.

We want to assure you that the Governing Council remain committed to TLS core work in defending the rule of law, freedom of speech, representing, protecting and assisting members, and empowering member to let their voices heard. We are grateful to all Governing Council members. The work of the Council member is often complex and challenging. Like all good governing boards, we bring a diversity of perspectives to the governing board table along with a commitment to work together to carry out the Law Society's mandate, always in good faith and in the public interest. It's been a privilege to work with such fine and talented professionals and we are all grateful to Almighty God for having helped us to serve our noble Tanganyika Law Society.


Harold G. Sungusia

President
Tanganyika Law Society

FROM THE EXECUTIVE DIRECTOR DESK

Dear members,

I am delighted to share with you our Annual Report for the year 2023. It has been an exciting year with notable achievements and unprecedented challenges as you will see in the pages that follow in the report.

It gives me great pleasure to see that a year has passed since I was promoted to the position of the Executive Director. It has been a year filled with excitement, intrigue, and eye-opening experiences. I have had the privilege of gaining insight into TLS from various perspectives: from members, staff, development partners, institutions and organizations we collaborate with; to the stakeholders in the Government, Parliament and Judiciary.

It has been a true pleasure to work with the Governing Council to execute the TLS mandate as provided by the TLS Act and implemented through the TLS Strategic Plan (2023 – 2023) and other mechanisms.

I would also like to recognize the work of both Zonal and Chapter leaders. It has been a privilege working together with this group of dedicated leaders. I am personally grateful for their commitment to try to make a meaningful impact to our members, our country and the legal profession in Tanzania.

I want to use this opportunity to also thank all our staff and volunteers who continue to dedicate themselves to serve above and beyond. It is just remarkable, the passion and dedication to service I have and continue to witness from all TLS staff, volunteers and members of the Management is extraordinary. I am incredibly proud of you all.

Likewise, let me acknowledge our working relationships with duty-bearers in all branches of Government: the Judiciary, the Parliament and the Executive. I appreciate their willingness and readiness to listen and engage with us on matters of significant importance to the rule of law and the legal profession. We presented a series of issues that we thought are key for protecting the rule of law and improving legal practice. We now know and appreciate that when we are on good talking terms with duty-bearers, much can be achieved. For example, we addressed the issue of subscription fees for TLS members working in the government and Judiciary. Both the government and Judiciary agreed to start paying subscription fees for TLS members working in their respective institutions. We are grateful to the Judiciary and the Government for honoring this commitment as both institutions have started paying fees for their staff who are TLS members starting from the calendar year 2021.

Special thanks to Judiciary, office of National Prosecution (NPS), Office of Attorney General (OAG) who have already paid subscription fees for their staff for the financial year 2023. 023); and we also addressed the issue of penalty of judiciary subscription fees that was earlier charged after 31st January of the year instead of being charged after 30th June of the year. The penalty is now set for members who fails to pay their judiciary subscription fees after 30th June as provided in the law.

Lastly, I want to extend my sincere gratitude to our development partners who ensured that we delivered on our statutory mandate. I am deeply grateful to the Foundation for Civil Society, Open Society Africa, American Bar Association, and GIZ for providing us with necessary resources to enable us implement our statutory mandate. We are also indebted to our sponsors. This reporting period (2023), we were fortunate to have Mabibo Beer, National Insurance Corporation, and NMB as our sponsors during the AGM (2023) and Diversity Conference (2023). I extend my appreciation to them all.

I wish you good reading of our Annual Report (2023). It is my sincere hope that you will find it informative and appealing. Together we will continue to improve to better serve our members, the legal profession and people of Tanzania.

Mariam Othman



Executive Director
Tanganyika Law Society

1. ABOUT TLS

1.1 Establishment and Mandate

Tanganyika Law Society abbreviated as TLS is a statutory professional organization established by an Act of Parliament - the Tanganyika Law Society Ordinance of 1954. Currently, TLS is governed by the Tanganyika Law Society Act, Cap 307 as amended.

TLS statutory mandate include;

- a. to maintain and improve the standards of conduct and learning of the legal profession in Tanzania;
- b. to facilitate the acquisition of legal knowledge by members of the legal profession and others;
- c. to assist the Government, the Courts and the Parliament in all matters affecting legislation, and the administration and practice of the law in Tanzania;
- d. to represent, protect and assist members of the legal profession in Tanzania as regards conditions of practice and otherwise;
- e. to protect and assist the public in Tanzania in all matters touching, ancillary or incidental to the law;
- f. to acquire, hold, develop or dispose of properties of all kinds, whether movable or immovable, and to derive capital or income from them, for all or any of the foregoing objects;
- g. to raise or borrow money for all or any of the foregoing objects in any manner and upon any security which may from time to time be determined by the Society;
- h. to invest and deal with moneys of the Society not immediately required in any manner which may from time to time be determined by the Society;
- i. to do all other things which are incidental or conducive to the attainment of the foregoing objects or any of them.

a. TLS Vision

To be an exemplary independent Bar that fosters equal justice for all

b. TLS Mission

To champion for the rule of law, democracy, human rights, and access to justice for all while creating a conducive environment for sustainable legal fraternity

c. TLS Core Values

Integrity: We uphold the highest standards of ethical behaviour and observe fairness, honesty, commitment, transparency and accountability in delivering our service and engaging with our stakeholders. We ensure consistency between what we say and what we do, what we believe and how we behave

Professionalism: We uphold the highest standards of professionalism in the execution of our mandate. We discharge our duties diligently, competently, efficiently and effectively

Respect: We treat everyone with dignity and courtesy; and engage with them without stereotyping, prejudice or discrimination.

Courage: We stand for what is right even when it may be unpopular, take intentional bold steps to make sure that no one is above the law. Openly, explicitly and regularly, we advocate respect for the rule of law and human rights; and equal access to justice for all.

Empowerment: We are committed ourselves to prudently use our available resources to empower the people of Tanzania, especially indigents, women, youth, and vulnerable groups to understand their rights and be able to use the law, the legal system and legal services to protect and advance their rights and interests as citizens.

d. TLS Strategic Objectives

Strategic Objective 1:	To improve the standards of learning of the legal profession in Tanzania
Strategic Objective 2:	To improve the standards of conduct of the legal profession in Tanzania
Strategic Objective 3:	To promote rule of law, access to justice, human rights and good governance
Strategic Objective 4:	To protect, represent, and assist members of the legal profession in Tanzania
Strategic Objective 5:	To strengthen the institutional capacity of TLS

1.2 Members of the Governing Council



Adv. Harold G. Sungusia – President



Adv. Deus Nyabiri – Vice President



CPAT - Christopher Mageka – Honorary Treasurer



Adv. Edward Heche – AYL Chairperson



Adv. Thomas M. Msasa - Member



Adv. Steven Kitale Cleophas – Member



Adv. Stephen A. Mwakibolwa - Member



Adv. John Nyange – Member



Adv. Laetitia P. Ntagazwa – Member



Adv. Irene Mwakyusa – Member



Adv. David Shilatu – Member



Adv. Mariam Othman – Council Secretary

1.3 TLS Management Team



Adv. Mariam Othman – Chief Executive Officer



CPAT John Mwang'ombola – Finance and Administration Manager



Adv. Anastazia Muro – Professional Development and members welfare manager



Adv. Mackphason B. Mshana – State Affairs and Public Protection Manager



Selemani Pingoni – Monitoring Evaluation and Learning



Adv. Nelson Frank – Corporate Secretary

1.4 List of Chapters and Leaders

Chapter Name	Chapter Convenor	Vice Convenor	Chapter	Chapter Treasurer
Arusha	George Njooka	Sabato Ngogo		Fauzia Akonay
Dodoma	Mery J. Munisi	Godwill Benda		Josephine Msava
Ilala	Magreth David Mwhava	Amina Mkunga		Joha K. Mapondela
Iringa	Moses Ambindwile	Vedasto Choja		Asifiwe Mwanjala
Kagera	Raymond Laurent	Fumbuka Ngotolwa		Erieth Barnabas
Kigamboni	Akiza Rugemarila	Goodfrey Kizito		Julius Novacatus Moris
Kigoma	Eliutha Kivyuro	Moses Karwani Rwegoshora		Mary Peter Milali
Kilimanjaro	Philip Njau	Patric Paul		Hellen Mahuna
Kinondoni	Deusdedith Maginga	Ziada Omary		Lucy D. Kiangi
Mara	Evangel Onyango Mweya	Godfrey Mweya		Mary Joakim
Mbeya	Chapa Alfred	Caroline Mseja		Ignas Ngumbi
Morogoro	Baraka Lweka	Mariam Kapama		Jovin R Manyama
Mtwara	Stephen L. Lekey	Rose R. Ndemereje		Alex P. Msalenge
Mwanza	Msafiri Aloyce Henga	Marina Mashiba		Angelo Nyaoro
Pwani	Rita Ntagazwa	Frederick Mwakinga		Yusuph M. Mkanya
Ruvuma	Dickson P. Ndunguru	Raphael Matola		Denis Razaro
Shinyanga	Shabani Mvungi	Evodius Godian		Pharles Focas Malengo
Tabora	Kelvin Kayaga	Kashindye Lucas		Dotto Racheal Gasper
Tanga	Emanuel N. Kiariri	Mathias Mkingwa		Maria Baliyima
Temeke	Fauzia Hasan Lema	Edelyine Komugisha		Shija P. Kaseko
Ubungo	Raphael Dismas	Kevin Godfrey Ndosi		Willighton Theobard Rwabinyasi

1.5 List of TLS Committees and Leaders

SN	NAMES OF COMMITTEE	CHAIRPERSON
1.	Public, Regional and International Affairs Committee	Elibariki Maeda
2.	Research, Publications and Editorial Board Committee	Prof. Alex Makulilo
3.	Legal Affairs, Gender and Access to Justice Committee	Fulgence Massawe
4.	In-house Counsel Committee	Michaela Marandu
5.	Continuing Legal Education (CLE) Committee	Simon Patrick

6.	Ethics Committee	Hon. Judge (Rtd) Robert Makaramba
7.	Advocates and Lawyers with Disabilities Committee	Gideon Mandes
8.	Members' Welfare, Advocate Remuneration and Awards Committee	Gloria K. Kalabamu
9.	Finance, Risk and Audit Committee	CPA (T) Christopher Mageka
10.	Electoral Committee	Hon. Judge (Rtd) De Mello
11.	Investment and Resource Mobilization Committee	Francis Kiwanga
12.	Monitoring and Evaluation Committee	Christina Mdemu
13.	Electoral Appeals Committee	Hon. Judge (Rtd) Benedict B. Mwingwa
14.	Drafting Committee	Daimu Halfan
15.	Constitutional Reforms Committee	Dr. Eva Hawa Sinare
16.	Sports, Leisure, and Social Events Committee	Judith Zebedayo

1.6 TLS Members Statistics

S n	Chapter Zone	Chapter	Practicing Members	Non-Practicing Members	Notary Members	Exempted Members	Total
1	Mzizima	Ilala	2100	122	186	65	2473
		Temeke	207	27	65	4	264
		Kigamboni	123	7	22	-	152
2	Bagamoyo	Kinondoni	2041	88	122	30	2281
		Ubungo	466	19	54	6	545
		Pwani	79	10	17	3	109
3	Northern	Arusha	715	42	49	19	825
		Kilimanjaro	183	14	11	8	216
		Tanga	103	12	23	8	146
4	Southern	Mbeya	271	29	40	5	345
		Mtwara	83	7	17	-	107
		Ruvuma	64	11	4	-	79
5	Western	Tabora	84	7	17	6	114
		Kigoma	66	2	6	1	75

		Shinyanga	106	12	14	3	135
6	Central	Dodoma	474	66	142	4	686
		Iringa	153	13	13	-	179
		Morogoro	196	16	17	3	232
7	Lake	Mwanza	532	49	38	7	626
		Kagera	96	10	12	5	123
		Mara	56	6	1	-	63

1.7 List of Departed Colleagues January 2023- December 2023

S/N	NAME	ROLL NO.	DOD
1.	Adv. John Harold Kalimba Utamwa	8093	2/1/2023
2.	Adv. Nimrod Musoma Lugoe	2629	30/1/2023
3.	Adv. Gaster Likatage Mdegela	4305	1/02/2023
4.	Adv. Justian Mushokorwa	517	6/03/2023
5.	Adv. Komeye David Baddy Komeye	596	13/3/2023
6.	Adv. Judith Joseph Wikesi	3796	21/3/2023
7.	Adv. Yohana Same	724	4/04/2023
8.	Adv. Nimrod E. Mkono	379	18/04/2023
9.	Adv. Tulimbumi Bwambi Abel	4987	3/06/2023
10.	Adv. Stephanie Nzeimana Ntilatwa	1186	20/06/2023
11.	Adv. Martin Jonas Mhagama	517	23/06/2023
12.	Adv. George Kulwa Mkinga	2340	8/7/2023
13.	Adv. M. Sangalali Lutema	683	11/08/2023
14.	Adv. Malimi Juma	2892	13/08/2023
15.	Adv. Christopher B. Makunja	532	13/08/2023
16.	Adv. Norah Hashim Msuya	1579	03/08/2023
17.	Adv. Yahaya M. Philipo	11234	04/08/2023
18.	Adv. Hadji Salehe Mdemu	1704	03/09/2023
19.	Adv. Lodger Conlad Mlelwa	892	17/09/2023
20.	Adv. Ruben Sadick Robert	6028	15/10/2023
21.	Adv. Tumaini Medison Ngiluka	3496	26/10/2023
22.	Adv. Stella Bernard Makali	5881	2/11/2023
23.	Adv. Joseph Pande	3721	20/11/2023
24.	Adv. Samwel Y. Shadrack	1377	21/12/2023
25.	Adv. F. S. Kinabo	374	28/12/2023
26.	Adv. Mwajabu Mbaga	10639	24/12/2023
27.	Adv. Severin J. Lawena	1317	30/12/2023

PROGRESS OVER THE PAST YEAR: ACTIVITIES, ACHIEVEMENTS AND CHALLENGES

2 STRATEGIC OBJECTIVE ONE: TO IMPROVE THE STANDARDS OF LEARNING OF THE LEGAL PROFESSION IN TANZANIA

2.1 Law School of Tanzania Consult TLS to Review LST Curriculum

In May 2023, the Law School of Tanzania (LST) launched a stakeholders curriculum review consultation campaign across the country. The curriculum review campaign aimed at introducing evidence-based changes in the LST curriculum that would improve quality of learning for students of law enrolled at LST. TLS was among the key stakeholders consulted by the LST. TLS members in Dar es Salaam, Mtwara, Arusha, Mbeya, Tabora and Mwanza actively participated in the LST curriculum review consultation campaign.



The LST team collecting inputs from TLS members during the review exercise of LST curriculum

2.2 TLS Inputs on the St. Augustine University Law Curriculum

In March 2023, St. Augustine University of Mwanza consulted TLS requesting inputs for the draft revised curricula used to teach law at the St Augustine University. TLS reviewed the draft curricula and found it to be in line with the current global development in legal practice. TLS however, advised the leadership of St. Augustine University to add data protection law as an optional subject in the curriculum.

2.3 TLS and the Law School of Tanzania in Improving Legal Practice Skills

In September, 2023, TLS held a consultative meeting with the Law School of Tanzania (LST) to discuss joint initiatives to improve legal practice skills for law school students through field practical training opportunities. This initiative will see members of TLS play

an increased involvement in training, mentoring and coaching law school students by providing field practical training opportunities in their law firm. TLS and LST will monitor and frequently report the effectiveness of field practical training in imparting and improving practical lawyering skills for law school students.



On September 20, 2023, LST delegation headed by Dr. Julius Clement Mashamba, the Ag. Deputy Principal (Training, Research and Consultancy) paid a courtesy visit to TLS Secretariat to discuss areas of mutual interest that TLS and LST can collaborate to improve the quality of legal practice in Tanzania.

2.4 TLS and the Bar Council of England & Wales Partnership Agreement on Arbitration

In the year 2023, TLS continued to forge partnerships with relevant stakeholders to improve standards of learning for our members. For instance, we established a working relationship with the Bar Council of England and Wales to provide our members with adequate skills in arbitration practice. This is demonstrated by one-day TLS, Bar Council of England and Wales and Tanzania International Arbitration Centre (TIAC) joint training program on arbitration held in October 2023. The training was titled “Bribes and illicit money in arbitration and the abuse of consent awards” and held at Wakili House. Mr. Hammad Baig of the Bar Council of England and Wales facilitated the training.



Mr. Hammad Baig of the Bar Council of England and Wales and participants of CLE seminar on arbitration practice as part of collaboration between TLS and the Bar Council of England and Wales. The seminar was held at Wakili House in Dar es Salaam on October 30, 2023

2.5 TLS Champions Professional Development Through 112 CLE Seminars

Tanganyika Law Society has a statutory mandate in the professional development of its members. The TLS Act task TLS to maintain and improve the standards of learning and conduct of members of the legal profession in Tanzania. Further, the TLS Act mandate TLS to facilitate the acquisition of knowledge of its members and others. Responding to this statutory mandate, TLS introduced the Continuing Legal Education Programme (CLE). Every calendar year, TLS rolls out an annual CLE calendar which covers different topics relevant to legal practice in Tanzania and cross border practice. In 2023, TLS organized 112 CLE seminars countrywide. Out of the 112 seminars, 77 seminars were conducted by TLS headquarters office and 51 seminars were conducted by Chapters.

2.6 TLS Retooling and Sharpening Skills for the Newly Admitted Advocates

Induction seminars prepare prospective TLS members who have petitioned to the Chief Justice to be admitted on the Roll of Advocates to hit the ground running. It provides the prosecutive advocates with the information expected from them as legal practitioners and the support TLS and Judiciary may offer them to be confident and productive in their role as new practitioners of the legal profession. On July 4, 2023 and July 5, 2023, TLS and the Judiciary of Tanzania organized an induction seminar to the 188 lawyers who were to be admitted on the Roll of Advocates by the Chief Justice of Tanzania on July 6, 2023. Another induction seminar was conducted in December, 2023. A total of 274 lawyers who were to be admitted on the Roll of Advocates by the Chief Justice of Tanzania in December 2023, attended the induction seminar. Topics included presentations on challenges in the legal practice, the mandate of the Law Society, role of the Association for Young Lawyers, functions of the Deceased and Advocates Fund Trust, and issues pertaining to the Continuing Legal Education, Professional Ethics and Conduct for Lawyers, the use of Electronics Stamps, and; Judiciary issues

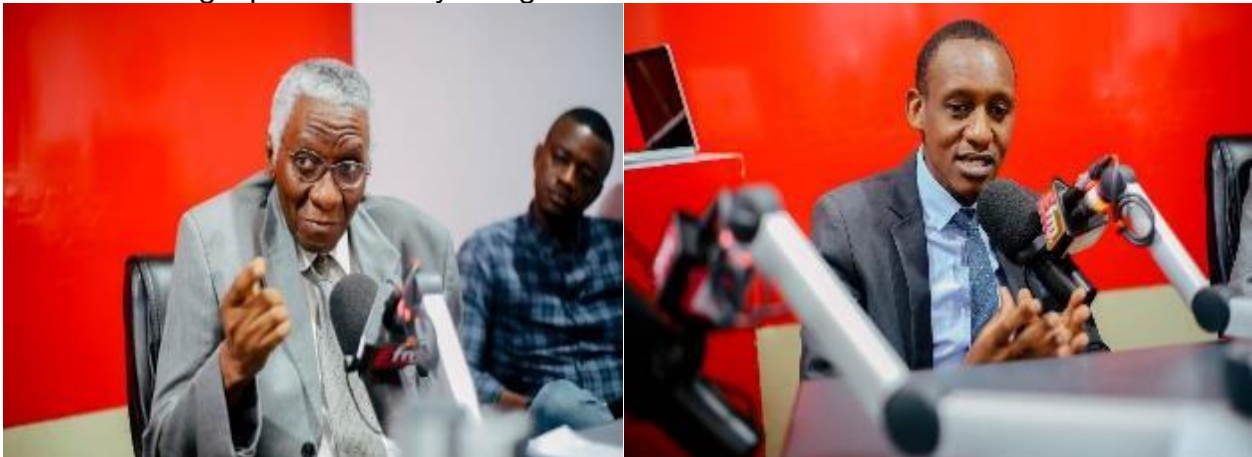


From left to right: Ethics Committee Chairperson Hon. Robert Vincent Makaramba and Captain Advocate Ibrahim Bendera – Former Ethics Committee member both presented a topic on ethical issues to newly admitted advocates.

3 STRATEGIC OBJECTIVE TWO: TO IMPROVE THE STANDARDS OF CONDUCT OF THE LEGAL PROFESSION IN TANZANIA

3.1 Radio Campaign to Raise Public Awareness on Professional Conduct and Illegal Practice

In 2023, TLS conducted series of public awareness events to educate the public on advocates professional conduct and illegal practice. The events include awareness campaign through Kumepambazuka Programme aired by Radio One Stereo. During the Law Week where TLS provide Legal Aid to the public and used the platform to raise awareness to the public on Advocates (Professional Conduct and Etiquette) Regulations, Ethics Regulations and use of eWakili to identify licensed advocates. For example, in September, 2023, TLS issued a circular to inform the public on how to identify an authorized legal practitioner by using the eWakili database.



Former Chairperson of TLS Ethics Committee senior advocate Ibrahim Bendera (left) and advocate Emmanuel Ukashu (right) speaking in a radio program to raise public awareness on procedures for lodging complaints of professional misconduct against advocates. The awareness session was aired by EFM radio on 24 July 2023



A member of TLS Ethics Committee Judge Frederick Werema (retired), speaking in a radio program to raise public awareness on procedures for lodging complaints of

professional misconduct against advocates. The awareness session was aired by Clouds Fm radio on July 22, 2023.

3.2 Ethics Committee Strengthens Systems for Reporting Misconduct Committed by Advocates

In 2023, TLS Ethics Committee continued to strengthen TLS systems for reporting advocates' misconduct. This include raising public awareness on procedures for reporting misconduct, enforcing Ethics Regulations (2022), strengthening Chapters Ethics Committees, and providing timely feedback to legal services clients who lodge misconduct complaints against TLS members.

3.3 Special Resolution to Establish Anti-Vishoka Task Force to Combat Illegal Practitioners Masquerading as Advocates

In efforts to end malpractice and fraudulent activities in the legal profession, the Governing Council announced in July 2023, that it has created Task Force in each TLS zone to boost the fight against illegal practitioners popularly known as vishoka. Apart from ending malpractice and fraudulent activities, the move by the Governing council was meant to protect users of legal services. The Campaign has started to bear fruit. In Iringa, the chapter was able to identify a former police officer who used to provide legal services while he is not qualified for that service. Iringa Chapter engaged his former employer (the Police Force) which intervened. The mentioned former police officer pleaded guilty and promised to stop providing the legal services. The Vishoka Campaign also resulted in the identification and arrest of an alleged kishoka named Baraka Mukama. His case is before Central Police Station for further investigation. Other achievements in vishoka campaign include a case in Mabatini Police Station which is still under Police investigation. Kinondoni chapter task force worked with managed curb one person who was using



stamp of advocate Sara Wilfred Lusinde roll no. 11255. The case is under police investigation once completed it will be filed before the court of law, and in Dodoma, one case is at Police Station under DCI department.

A Police officer arresting one Baraka Mukama at Kisutu Resident Magistrate Court who pretend to be an Advocate

3.4 Ethics complaints hearing sessions

In the period under consideration, the Committee conducted a total of twelve (12) hearing sessions. In increasing efficiency in its performance, the Chairperson of the Committee appointed two Hearing Panels comprised of three members each, one of whom served as Chairperson of the Panel, and an alternate member. A detailed report of the Committee is attached as annex to this report.

4 STRATEGIC OBJECTIVE THREE: TO PROMOTE RULE OF LAW, ACCESS TO JUSTICE, HUMAN RIGHTS AND GOOD GOVERNANCE

4.1 TLS and the Ministry of Constitutional and Legal Affairs Collaborate to Address Pressing Justice Issues through Mama Samia Legal Aid

In 2023, TLS actively participated in activities that were meant to enhance access to justice in Tanzania. One of those activities is the Mama Samia Legal Aid Campaign. The campaign, which is coordinated by the Ministry of Constitutional and Legal Affairs, aims at providing legal education to the citizens, in particular on gender-based violence, human rights and alternative dispute resolution. The campaign is coordinated by the Ministry of Constitutional and Legal Affairs. The ministry invited TLS to actively participate in Mama Samia Legal Aid Campaign and assist in the provision of legal aid services to the groups targeted by the government in the campaign. As at December 2023, TLS was able to provide legal assistance to more than 5,000 people in Dodoma, Manyara, Singida, Simiyu, Shinyanga, Njombe, and Ruvuma regions directly benefited by TLS involvement in Mama Samia Legal Aid campaign through legal assistance including court representation while more than 400,000 were reached through legal education provided by radio and television platforms as well as school outreach programs.



The Prime Minister of the United Republic of Tanzania Hon. Majaliwa Kassim Majaliwa and TLS delegates during the official launch of Mama Samia Legal Aid Campaign in Dodoma on April 27, 2023.

4.2 TLS Chapters Providing Legal Aid in 21 Regions of Tanzania Mainland during the Law Week Celebrations.

TLS Chapters across Mainland Tanzania joined the Judiciary of Tanzania and other justice actors to mark the 2023 Judiciary Law Week. The 2023 Law Week was marked by various events that included the provision of legal assistance to the needy. In Tabora, 85 legal aid clients consulted TLS during Law Week celebrations, out of 85 clients, 55 were female and 30 were males. Also, TLS Tabora Chapter visited 4 prisons and provided legal aid to 430 inmates in the 4 prisons. Further, TLS Tabora Chapters organized visits to 5 police stations in Tabora region where 29 detainees in police stations to provide legal aid in prisons during law week 2023.



Law week commemoration in Tabora chapter, 2023

In Mtwara, TLS Mtwara Chapter provide legal aid to 1995 clients who sought legal assistance after learning of pro bono legal aid arrangement during law week celebrations. Furthermore, Mtwara Chapter organized legal aid clinics in 4 prisons and provide legal aid to 115 inmates in the 4 prisons.



Law week commemoration in Mtwara chapter, February 2023

In Dodoma, 76 people were reached through TLS law week legal aid clinics.

In Mbeya, 112 clients were provided legal assistance through legal aid clinic during the law week 2023.

In Kagera region, TLS was able to reach 80,776 people through legal aid clinics, school visits and outreach activities.



Law week commemoration in Arusha, February 2023



Law week commemoration in Mwanza Chapter, February 2023

4.3 TLS Participate in the Launch of the National Forum for Women Rights

On June 6, 2023, representatives from diverse backgrounds, including government (national and local level), civil society organizations (CSOs), private sectors, as well as women and youth groups gathered in Dodoma for the launch of the National Forum for Women Rights. The launch was led by the Minister for Constitutional and Legal Affairs Dr. Damas Ndumbaro. The launch of the forum is a significant milestone towards a platform for sharing their experience, concerns and challenges.



Delegates from TLS and other entities during the launching of the National Forum for Women Rights

4.4. TLS Advocates and Lawyers with Disability Committee Campaign for the Protection of Rights of Persons with Disability

On July 19, 2023 at Rafiki Hotel, TLS Advocates and Lawyers with disability Committee organized a roundtable dialogue that brought together representatives from the government of Tanzania, organizations representing the persons with disability and representatives from Judiciary and Parliament. The core discussion agenda was to

campaign for the protection of the rights of persons with disability. During the dialogues, policy and legislative challenges for persons with disability were tabled and deliberated.



TLS Disability Committee and representatives from the government of Tanzania.

On July 19, 2023, TLS organized a multi-stakeholders dialogue in Dodoma to discuss policy legal and administrative hindrances that affect the rights of persons with disability. The dialogue was attended by legal practitioners, government representatives and the Judiciary

4.5 TLS Conduct Advocacy Campaign for Effective Engagement of CSOs in Democratic Governance Process

In 2023, TLS received grant support from the Foundation for Civil Society to conduct an advocacy campaign for an effective engagement of civil society organizations as key actors of democratic governance in Tanzania. A series of activities have been accomplished in this initiative. This includes stakeholders meeting to validate legal issues that hinders the participation of civil society organization in Tanzania's democratic governance process.



Civil society stakeholder discussing various legal and regulatory hindrances to the operations of civil society in Tanzania. The meeting was organized by TLS and held in Dodoma on November 11, 2023.

4.6 Stakeholders at the National Stakeholders' Conference Vow to Continue with the Advocacy Campaign to Improve Electoral and Political Environment

In 2023, TLS doubled down on its commitment to promote the rule of law and good governance in Tanzania by hosting “A National Stakeholders’ Engagement Conference” to discuss proposed amendments (bill) of electoral and political affairs laws. Stakeholders’ Engagement Conference” was held at Wakili House in Dar es Salaam on December 15, 2023 and brought together political party leaders, civil society actors, legal experts, academicians, faith leaders and the general public. The conference participants discussed proposed amendments to the National Electoral Commission Bill 2023, The Political Parties Affairs Laws (Amendment) Bill 2023, and the Presidential, Parliamentary and Local Government Elections Bill 2023 which had been tabled before the Parliament for first reading in November, 2023. During the conference, stakeholders outlined on the several gaps in the proposed amendments and made a commitment to continue advocating for legislative reforms that create conducive environment for citizen participation in electoral and political process.



4.6 Stakeholders in a Dialogue on the Rule of Law and Justice System in Tanzania Want Rule of Law to be Respected

On November 4, 2023, TLS hosted a Stakeholders Dialogue on the Rule of Law and Justice System in Tanzania. The dialogue was funded by TLS Kinondoni Chapter and brought together legal practitioners, justice sector actors, civil society and members of the general public. Several eminent contributors participated in the dialogue and were given some minutes to use their expertise and experience to assess the state of rule of law and justice system in Tanzania. Most contributors opined that political and civil rights in Tanzania are deteriorating and rule of law is not respected. In particular, they mentioned a series of restrictive law that have not been amended to provide a conducive environment for the rule of law and justice systems despite frequent promises from the government to reform the restrictive legal framework.



4.7 TLS Host a Multi-Stakeholder Dialogue towards the Abolition of Death

In 2023, TLS took continued to honour its commitment and statutory role to promote and protect human rights in Tanzania. In fulfilling its statutory role, TLS organized a “Multi-Stakeholder Dialogue towards the Abolition of Death **Penalty in Tanzania**”. This dialogue was held on October 10, 2023 at Wakili House in Dar es Salaam and brought together

experts and distinguished contributors from within and outside Tanzania. The event received financial support from the European Union, the government of Belgium and Ireland.



TLS president Harold Sungusia speaking to the members of press in Tanzania during a “Multi-Stakeholder Dialogue towards the Abolition of Death Penalty in Tanzania” at Wakili House in Dar es Salaam on October 10, 2023



Hon Minister of Constitutional and Legal Affairs, Dr Pindi Chana (MP) addressing Experts, distinguished guests, contributors and other

participants from within and outside Tanzania during a “Multi-Stakeholder Dialogue towards the Abolition of Death Penalty in Tanzania” at Wakili House in Dar es Salaam on October 10, 2023

4.8 TLS File Public Interest Litigation Case to Challenge Provisions in the Tax Administration Act, Cap 438 (R.E 2019) that Restrict Business Growth

In 2023, TLS filed in the High Court of Tanzania a public interest litigation case to challenge certain provisions of the Tax Administration Act Cap 438 (R.E 2019). TLS sees these provisions in the Tax Administration Act, Cap 438 (R.E 2019) as prohibitive to the growth of small, medium and big enterprises and punitive to taxpayers in Tanzania.



on 14th October, 2023, TLS team of expert met at the Wakili House to review Tax Administration Act Cap 438 R.E 2019 in order to identify unlawful provisions in the Tax Administration Act Cap 438 that would be challenged in a court of law through strategic litigation

4.9 TLS Issued Public Statement on the Inter-Government Agreement (IGA) between Tanzania and the Emirate of Dubai

On June 25, 2023, the Tanganyika Law Society issued a public statement in respect to the Inter-Government Agreement (IGA) between Tanzania and the Emirate of Dubai regarding the economic and social partnership for the development and improvement of performance of sea and lake ports in Tanzania. TLS issued this statement after conducting an in-depth analysis and through consultation of the Inter-Government Agreement between Tanzania and the Emirate of Dubai. In the statement, TLS identified areas of shortcomings and recommended how improvement could be done in line with the international law. The statement was widely circulated in the social media and received positive feedback from members of the public, government representatives and scholars of all disciplines. All stakeholders used the TKLS findings as a convincing reference. The said statement issued by TLS on the DP World Matter, is appended at the end of this report.

4.10 The Government Welcomes TLS Recommendations on Criminal Justice Reforms

On June 26, 2023, TLS appeared before Justice Othman Chande’s Commission on Criminal Justice Reforms to submit TLS recommendations on what TLS sees as meaningful crime al justice reforms. The submission was a result of months long TLS mission to collect recommendations from the legal and non-legal actors on pressing

criminal justice shortcoming in Tanzania and the needed reforms. Recommendations from actors started in January 2023. On April 3, 2023, TLS submitted the compiled collected recommendations and submitted to the relevant Commission led by before Justice Othman Chande which was appointed by the President of the United Republic of Tanzania her Excellency Samia Suluhu Hassan to collect stakeholders' views in respect of the criminal justice system reforms. After presentation before the Commission, TLS was given another task to conduct rigorous analysis of best practices and criminal justice reforms success stories from other jurisdictions and re-submit TLS position to the Commission. Eventually, after rigorous analysis and expert consultations, TLS resubmitted its report to the Commission on June 6, 2023.



On April 3, 2023, TLS team appeared before Justice Othman Chande's Commission to present and submit TLS recommendations a what TLS termed recommendations on the meaningful crime al justice reforms



TLS vice president Aisha Sinda and TLS Executive Director Mariam Othman in a group photo with the President of the United Republic of Tanzania Her Excellency Dr. Samia Suluhu Hassan, Prime Minister Kassim Majaliwa, Minister for Constitutional and Legal Affairs Dr. Damas Ndumbo, the chairperson of the commission that was tasked to review and recommend reforms of the criminal justice system in Tanzania former Chief Justice Othman Chande, vice-chairperson former chief secretary retired ambassador Ombeni Yohana Sefue, former TLS president Edward Hosea and other dignitaries at state house in Dar es Salaam when the Justice Chande's commission was presenting its report to President Samia on July 15, 2023. TLS was invited in recognition of its significant contribution in advocating for well-meaning reforms in Tanzania's criminal justice system

4.11 TLS Takes a Center Stage in Advocating for Constitutional Reforms

During the reporting period, TLS conducted a series of internal meetings to chart a way forward for TLS participation in an advocacy campaign to reinstate the constitutional review process. These meetings were organized by TLS Constitutional Reforms Committee and held in several occasions at TLS Wakili House in Dar es Salaam. One of the key action points taken by the Committee is to ensure that early in year 2024, TLS run a series of public campaign to advocate for the reinstatement of constitutional review process in Tanzania which has stalled since the year 2024.



Members of TLS Constitutional Reforms Committee in a meeting held on September 1, 2023 to deliberate on key matters TLS should be addressing in the advocacy for new constitution

4.12 TLS engaged the Parliament and Government on Legislative Process

In 2023, the involvement of TLS in the legislative processes was a common practice. We were consulted by the Government and the Parliament to provide inputs in a number of bills that were tabled before the Parliament for enactment or amendment. TLS respective committee for legislative affairs, the Gender and Access to Justice Committee proudly represented TLS in influencing several bills of legislation through collection of comments from TLS members on several legislation and presented these comments to the relevant Parliamentary Committee.

For instance, on August 16, 2023, members of TLS Gender and Access to Justice Committee presented before the Parliamentary Committee on Governance, Constitution and Legal Affairs Committee TLS commentary on The Written Laws (Miscellaneous Amendments) (No. 2) Bill, 2023. The session was held at the Bunge Hall in Dodoma. The Bill was amending The Atomic Energy Act, (Cap. 188), The Dar es salaam Maritime Institute Act, (Cap. 253), The Tanzania Industrial Research and Development Organisation Act, (Cap. 159). TLS presented its commentary before the Parliamentary Committee after collecting input on the said bill from TLS members.



Members of TLS Gender and Access to Justice Committee presenting TLS commentary on The Written Laws (Miscellaneous Amendments) (No. 2) Bill, 2023 before the Parliamentary Committee on Governance, Constitution and Legal Affairs in Dodoma on August 16, 2023

On May 31, 2023, TLS together with the representatives of fourteen civil society organizations appeared before the Parliament of Tanzania Governance, Constitution and Legal Affairs Committee in Dodoma to present the civil society sector recommendations on creating a legislative environment for a conducive civic and political space in Tanzania. The delegation that comprised TLS and other fourteen CSOs also visited the Law Reform Commission with a similar objective.



On May 31, 2023, TLS and representatives of fourteen CSOs presented to the Parliamentary Committee on Governance, Constitution and Legal Affairs CSOs' recommendations to improve a legislative environment for a conducive civic and political space in Tanzania



TLS representatives and the representatives of other 14 CSOs in a joint picture with Honorable Justice January Msofe, the Chairperson of the Law Reform Commission of Tanzania and Commission’s Secretary Advocate Griffin Mwakapeje when TLS/CSO delegation visited the Commission in May 2023 to present CSO recommendation to improve legislative environment conducive to civic and political space.

4.13 TLS Consultative Meeting with the Office of the Registrar of Political Parties

In 2023, TLS was invited to participate in a two-day roundtable consultative meeting to discuss policy, legal and institutional reforms required to improve electoral and political process in Tanzania. The meeting brought together civil society representatives and the representatives of the Office of the Registrar of Political Parties and Electoral Management Bodies from both Zanzibar and Mainland Tanzania. The dialogue took place at Rafiki Hotel in Dodoma on January 30 2023 and January 31, 2023,



TLS delegates during the visit to the registrar of political parties.

4.14 TLS and the Foundation for Civil Society Partner in the Uraia Wetu Project

On May 9, 2023, TLS signed a three years contract with the Foundation for Civil Society to enter into partnership in the implementation of FCS European Union funded project

popularly known “Uraia Wetu”. Under the partnership agreement, TLS undertook series of activities to complement other Uraia Wetu implementing partners to improve CSO operating environment in Tanzania. In particular, TLS undertook activities that advocate for an improved enabling environment for effective Civil Society engagement in a democratic process in Tanzania. These activities include advocacy for legislative and regulatory reforms, building CSO’s capacity to effectively engage with the government and other power holders and championing Government and CSOs dialogue.



FCS Executive Director responding to questions from members of the press in Tanzania during the launch of Uraia Wetu Project on May 9, 2023 at FCS Offices in Dar es Salaam

4.15 PCCB and TLS Consultative Sessions

On February 24, 2023, TLS participated in a one-day consultative workshop organized by the Prevention and Combating of Corruption Bureau (PCCB). The consultative workshop brought together key stakeholders in Tanzania to review and provide inputs to the PCCB Information, Communication and Education Strategy 2022/23-2025/26). The four years strategy aims at countering corruption through behaviour change. In addition, the strategy put an emphasis of involving stakeholders including ordinary citizens in preventing and combatting corruption.



Delegates of the consultative workshop which was held at Rafiki Hotel in Dodoma.

5 STRATEGIC OBJECTIVE FOUR: TO PROTECT, REPRESENT, AND ASSIST MEMBERS OF THE LEGAL PROFESSION IN TANZANIA

5.1 TLS Addressing the Challenges Posed by the National Advocates Committee regarding the Arbitrary Suspension of Advocates

TLS ensured that all advocates with matters before the advocates committee are well



represented. When allegations against one advocate Boniface Mwabukusi were brought to the committee, the Governing council of TLS appointed Senior Advocate Mpoki and Dr. Rugemeleza Nshala to represent him. During the representation, the Chairperson of the Advocates Committee made a decision to suspend Mr. Mpale Mpoki from practice for six months period. The Governing Council made a decision to withdraw its member Ms. Victoria Mandari from the Advocates Committee and also issued a public notice to protest Advocates Committee decision noting that decisions of this nature reduce trust in the Advocates Committee and affect the ability of TLS members (advocates) to

perform their professional duties without fear of retaliation, harassment or intimidation.

On November 23, 2023 Advocate Mpale Mpoki addressing the public through a press conference - following his suspension to practice law for the period of six month.

5.2 The Association of Young Lawyers Participate in the Africa Law Tech Festival 2023

TLS in collaboration with the Association of Young Lawyers and Lawyers Hub in Africa, provided an opportunity for young lawyers to participate in the Africa Law Tech Festival 2023 held in Nairobi on July 11 and 12, 2023. A total of 107 young lawyers participated in the Africa Law Tech Festival 2023. Out of 107 participants, 67 participated in-person and 45 participated virtually.



5.3 TLS Vice President Aisha Sinda Represents the Bar in the Retirement Ceremony of High Court Judges

On 31 August 2023, the High Court of Tanzania held a special ceremonial session to mark the retirement of Honourable Judge Moses Mzuna Honourable Judge Victoria Makani. The retirement ceremony was led by the Principal Judge of the High Court of Tanzania Honourable Mustapher Mohamed Siyani. A number of distinguished dignitaries and government representatives were present in the retirement ceremony. TLS was represented by its vice president Advocate Aisha Sinda



5.4 TLS Members Hold Women Lawyers' Breakfast Forum on Gender, Technology and Access to Justice"

Women Lawyers Forum, was organized by TLS in collaboration with Tanzania Women Lawyers' Association, took place in the morning of May 11, 2023 at the AICC in Arusha before the start of the launch of the annual conference 2023. The forum brought together TLS members and TAWLA members to hold a structured dialogue and engagement on pertinent gender and justice issues and the use of technology in addressing gender and justice issues in Tanzania.



5.5 New Members (462) Admitted on the Roll of Advocates

In the year 2024, TLS welcomed 462 new members who were admitted on the Roll of Advocates by the Chief Justice of Tanzania. Out of the 462 members, 188 members were admitted in July while 274 members were admitted in December 2023. Chief Justice Prof Ibrahim Juma graced the admission of new advocates. The July admission ceremony was held at the Karimjee Grounds in Dar es Salaam while December admission ceremony was held at the Julius Nyerere International Convention Centre in Dar es Salaam.





5.6 TLS Public Private Partnership 2023 Diversity Conference

Professional Diversity Conference aims at bringing together a wide range of diverse group of professionals and professional associations in Tanzania for the purpose of networking, experience sharing and professional solidarity. In 2023, the Diversity Conference was held at Lush Garden Hotel on October 6, 2023. The theme for 2023 Diversity Conference was "Diversity and Inclusion in Public Private Partnership; Opportunities, Challenges, and Impact on Social and Economic Development." There were 334 participants in the Diversity Conference where 213 participants attended in-person and 121 participated online.



5.7 TLS Ilala Chapter Sports Event and Members Engagement Activities Color the Wakili Bonanza

During the reporting period, TLS Ilala Chapter held its sporting and members engagement Bonanza which took place in Kigamboni beach areas on March 18, 2023. The Wakili

Bonanza was much-admired event attracting 47 TLS members from Ilala Chapter, Temeke Chapter, Kigamboni Chapter and Kinondoni Chapter. The Bonanza provided TLS members with an opportunity for networking and experience sharing. In this Bonanza, more than 4 sports were competed including football, athletics, swimming, and Music Dancing. A mental health expert was also invited to provide mental health education to TLS members participating in the Wakili Bonanza.



TLS members participating in some sporting events during Wakili Bonanza organized by Ilala Chapter on March 18, 2023.

5.8 Kinondoni Chapter and the Art of Hosting Gala Dinners

Gala dinners are significant events in the corporate practice, providing a unique opportunity for networking, experience sharing and entertainment. This is exactly what the Kinondoni Chapter did. On November 17, 2023, TLS Kinondoni Chapter hosted a Gala Dinner for members of the Chapter. This prestigious gathering brought together a diverse group of TLS members, mainly from the host Chapter “the Kinondoni Chapter.” Members from Chapters outside Kinondoni Chapter were also invited. The gathering (gala Dinner) served as a platform for TLS members in Kinondoni Chapter to celebrate the Chapter’s accomplishments in 2023 and reflect on the challenges and best way possible to address those challenges. Economic challenge was addressed by inviting a representative from Unit Trust of Tanzania (UTT) who shared with participants different UTT investment and wealth management products and eligibility criteria.

On entertainment part, members were entertained by a Dar es Salaam based musician with roots from the Democratic Republic of Congo Christian Bella aka “the King of Melody”



6 STRATEGIC OBJECTIVE FIVE: TO STRENGTHEN THE INSTITUTIONAL CAPACITY OF TLS

6.1 Governing Council Approves TLS Revised Strategic Plan (2023 - 2025)

On April 2023, during the Governing Council approved TLS revised strategic plan 2023 – 2025 in a meeting that was held at African Dreams hotel in Dodoma. The GC members approved the strategic plan after thorough deliberations from members.



Member of the GC at African Dreams Hotel Conference Hall after the approval of TLS revised strategic plan 2023 – 2025.

This plan continues to build on TLS previous success but brings in new focus such as quality legal education and more predictable and long-term revenue generation for TLS sustainability. The strategic plan was revised following broad consultations between TLS, its members and relevant stakeholders with active involvement of the Governing Council.

To improve the standards of learning of the legal profession in Tanzania
To improve the standards of conduct of the legal profession in Tanzania
To promote rule of law, access to justice, human rights and good governance
To protect, represent, and assist members of the legal profession in Tanzania
To strengthen the institutional capacity of TLS

6.2 TLS Annual Conference and General Meeting

As it has been its tradition, in 2023, TLS successfully conducted its Annual Conference and General Meeting. The Conference and General Meeting were held at Arusha



International Conference Centre on May 11 and 12, 2023. The theme for the 2023 AGM was “Accessing Justice in Tanzania: The Role of the Legal Sector Institutions in the Delivery and Access to Justice.” The Annual Conference and General Meeting.

Honourable Dr. Philip Isdor Mpango the Vice president of United Republic of Tanzania who was the guest of honour. The AGM was attended by 1502 members where 848 members attended in person and 654 members attended online.



6.3 Members of the Governing Council Sworn into Office

On May13, 2023, new members of TLS Governing Council took oath at a swearing in ceremony that was held at AICC in Arusha.

The swearing in ceremony was conducted after May 12, 2023 which elected the Governing Council.



Mr. Harold Sungusia as TLS President, Aisha Sinda as the Vice President, and Christopher Mageka as the Honorary Treasurer. Edward Heche was elected the chairperson of the Association of Young Lawyers and member of the Council,

Mr. Steven Kitale was elected as leader of Lake zone and member of the Council; and David Shilatu as leader of Northern zone and member of the Council; Stephen Mwakibolwa as leader of Bagamoyo zone and member of the Council; John Nyange as leader of Mzizima zone and member of the Council, Thomas M. Msasa as leader of western zone and member of the Council; Irene Mwakyusa (not in the photo) as leader of Southern Highland zone and member of the Council; Deus Nyabiri was elected leader of Central Zone and member of the Governing Council,

6.4 Members of the Governing Council Participate in the Council Induction

On July 12 and 13 2023 respectively, TLS held an induction seminar for members of the governing Council. The induction seminar was held at Lush Garden Hotel in Arusha.

The purpose of the seminars was to provide members of the Governing Council with useful insights and guidelines on their roles, responsibilities and limitation as leaders of the Society.



6.5 Chapter Leaders Induction

During the reporting period, TLS organized a two-day induction seminar for leaders of all TLS Chapters. The seminar was held at Lush Garden Hotel on 14 July 2023 through 16 July 2023.

Participants were taken through various TLS policies and governance tools including the

strategic plan. There was also an orientation seminar on project management which included project cycle, designing, management and proposal writing.



6.6 The Association of Young Lawyers held Talks with Chief Justice of Tanzania

On May 24, 2023, the delegation of the Association of Young Lawyers paid a courtesy visit to the Chief Justice of Tanzania Honourable Prof. Ibrahim Hamis Juma.



During the visit the AYL and the Chief Justice discussed several matters of significant importance to young lawyers in legal practice, the challenges young lawyers encounter in their practice and solutions.

Edward Heche, the chairperson of the AYL led the AYL delegation during their visit to the Chief Justice.

Hon Chief Justice, Prof. Ibrahim Juma shaking hands with Adv. Edward Heche, the chairperson of the AYL

6.7 The Governing Council Pays Courtesy Visit to the President of the United Republic of Tanzania

On August 14, 2023, the delegation of the Governing Council of the Tanganyika Law Society headed by TLS President Harold Sungusia paid a courtesy visit to the President of the United Republic of Tanzania, Her Excellency, Dr. Samia Suluhu Hassan at State House in Dodoma. During the visit Her Excellency Samia Suluhu Hassan and the GC delegation discussed many issues touching the administration of justice, legal professional, young lawyers, access to justice, human rights and good governance, new constitution, challenges facing practicing advocates, public private partnerships and TLS investments for sustainability. Upon invitation by TLS, Zanzibar Law Society was also present and represented in order to jointly address the national issues particularly the new constitution agenda.





6.8 The Governing Council Pays Courtesy Visit to the Speaker of the National Assembly, the Minister for Constitution and Legal Affairs, the Attorney General

On 6th September, 2023, the Governing Council delegation paid a courtesy visit to the Speaker of the National Assembly of Tanzania Hon. Dr. Tulia Ackson and the Minister for Constitution and Legal affairs Hon. Dr. Pindi Chana respectively. In addition, on 10th October 2023, the Council paid a courtesy visit to the Attorney General, Hon. Dr. Eliezer Feleshi at the AG's Office in Dar es Salaam. Core agenda discussed in these visits was the administration of justice in Tanzania and the need to strengthening collaboration and engagement between TLS and these state actors.





Members of TLS Governing Council holding talks with the Speaker of the National Assembly Hon. Dr. Tulia Ackson during the Council courtesy visit to Speaker Ackson's office on September 6, 2023.

6.9 Advocate Deus Nyabiri is the New TLS Vice President

Following the appointment of TLS Vice President Advocate Aisha Sinda to the position of the Judge of the High Court of Tanzania in September 2023, the Governing Council voted to elect Advocate Deus Nyabiri as the new TLS Vice President.

Vice President Nyabiri was elected by the Governing Council on October 10, 2023.



Advocate Deus Nyabiri swearing in as the new vice president of TLS after he was voted by members of the Governing Council to replace the outgoing vice president Aisha Sinda who was appointed as the Judge of the High Court of Tanzania. The swearing in ceremony was held at Wakili House in Dar es Salaam on October 10, 2023.

6.10 Advocate Laetitia Petro Ntagazwa Appointed as the Zonal Leader of the Central Zone

Following the ascendancy of Advocate Nyabiri to the TLS Vice President Position, the Electoral Committee appointed Advocate Laetitia Petro Ntagazwa to be the Zonal Leader of the Central Zone, replacing Adv. Deus J. Nyabiri.



Pictured above are members of the TLS Electoral Committee during their meeting that appointed Adv. Laetitia Petro Ntagazwa as the Leader of TLS Central Zone replacing TLS new Vice President Adv. Deus J. Nyabiri. The Electoral Committee meeting was on November 8, 2023, in Dar es Salaam.



The new zonal leader of TLS Central Zone Adv. Laetitia Petro Ntagazwa

6.11 The Governing Council Approves TLS Risk Management Policy, Resource Mobilization Policy and Investment Policy

The Governing Council has an overall mandate for ensuring that TLS has appropriate policies and procedures in place to ensure that the institution works to the best practice and complies with all relevant legislation. The Council also has a responsibility for ensuring that there are adequate resources to support the implementation of these policies. In December 2023, the Governing Council approved three policies namely: Risk Management Policy, Procurement Policy, and; Investment and Resource Mobilization Policy. These policies make TLS statements of intent on risk management, procurement, investment and resource mobilization describing the approach or course of action TLS is aspiring to take in respect of a particular issue. On investment and resource mobilization,

the Governing Council went further by approving investment and resource mobilization strategy. The strategy set out TLS investment and resource mobilization priorities, strategies and targets.



6.12 TLS Executive Director Held Consultative Meetings with the Judiciary and other Stakeholders

On November 20, 2023, TLS Executive Director held a consultative meeting with the Chief Court Administrator, Professor Elisante Ole Gabriel to follow up on the Judiciary



promise/commitment to pay fees for TLS members working in the Judiciary. The meeting was held at Judiciary Square in Dodoma.

The Secretariat also held a meeting with the Tanzania Women Lawyers' Association (TAWLA) to discuss areas where TLS and TAWLA can work together to make a difference in Tanzania's justice sector.

In Addition , this year also marked the beginning of official engagement between TLS and the National Insurance Corporation (NIC). TLS President Harold Sungusia paid a courtesy visit to NIC Executive Director Dr. Elirehema Doriye with a view of establishing formal partnership between TLS and NIC. As a result, it was agreed that a partnership MoU be developed to formalize this relationship.

On November 20, 2023, TLS Executive Director held a consultative meeting with the Chief Court Administrator, Professor Elisante Ole Gabriel to follow up on the Judiciary promise/commitment to pay fees for TLS members working in the Judiciary



Members of TLS Management holding talks with representatives of TAWLA at TLS Secretariat Offices, Wakili House Dar es Salaam on October 31, 2023



TLS President Harold Sungusia, TLS Executive Director Mariam Othman and members of TLS Secretariat holding talks with NIC Executive Director Dr. Elirehema Doriye on possibility of forging a partnership between TLS and NIC on matters of mutual interest. The meeting was held on October 20, 2023 at NIC headquarters in Dar es Salaam



On October 19, 2023, TLS Executive Director Mariam Othman led TLS Secretariat delegation to pay a courtesy visit to the Mwananchi Communitarians Ltd (MCL). TLS delegation was greeted by the Managing Director of MCL Mr. Bakari Machumu and his MCL team as seen in the picture above.

6.13 The United States Congressional Delegation Visits TLS

On August 29, 2023, a congressional delegation of the United States Congress paid a courtesy visit to the Tanganyika Law Society. The congressional delegation consisted of John James (MI-10), Sarah Jacobs (CA-51) and Shontel Brown (OH-11). The delegation was greeted by and held talks with TLS president Harold Sungusia, TLS vice president Aisha Sinda and TLS honorary treasure Christopher Mageka. members of TLS Governing Council



6.14 TLS Host the Delegation of the European Union to the United Republic of Tanzania

On June 6, 2023, the delegation of the European Union to Tanzania paid a courtesy visit to the Tanganyika Law Society offices at Wakili House in Dar es Salaam.

The EU delegation consisted of the EU Head of Delegation to Tanzania H.E. Ambassador Manfred Fanti, the head of Governance (Economic Section) at the EU Embassy in Tanzania Karina Dzialowsk and EU Tanzania Deputy Head of Mission Emilio Rossetti.



EU Head of Delegation to Tanzania H.E. Ambassador Manfred Fanti and TLS leaders

6.15 TLS and THRD Agree to Strengthen Working Relationship

On June 5, 2023, TLS president Harold Sungusia held a meeting with THRD coordinator Onesmo Olengurumwa. The meeting was held at THRD head office in Dar es Salaam.

During the meeting, TLS and THRD discussed matters of mutual interest in the administration of justice and protection of human rights in Tanzania. The two organizations agreed to strengthen working relationship in matters of mutual interest.



THRD CEO and TLS president confirming the cross institutional partnership

7 CHALLENGES ENCOUNTERED IN 2023

7.1 Inadequate Reports from TLS Representatives

As a statutory body, TLS has statutory representation in many decision-making bodies. These include the Council of Legal Education, Advocates Committee, the Law School of Tanzania Governing Board, the Law School of Tanzania Practical Legal Training and Examination Committee, Legal Aid Advisory Board, ADR Practitioners Accreditation Panel, University of Dar Es Salaam School of Law Board, Tanzania Civil Aviation Authority Member of the Review Panel, National Electoral Commission, Commercial Court Users Committee, National Committee of the Community Service The Tourism Appeals Tribunal, The Court Brokers and Process Servers Appointment, and Disciplinary Committee to mention few. However, TLS has been struggling to get reports from its representatives despite frequent reminders to have them submit reports to the Governing Council and Annual General Meetings. The Membership is encouraged to make a decision on the effectiveness and relevance of the TLS representation to such other entities for the benefit of the legal fraternity in our country.

7.2 Increased Allegations of Professional Malpractice

Over the past few years, the trend among lawyers to act unethically has increased substantially. Every month, Ethics Committee at Chapter and National level receive

complaints of professional malpractice against lawyers. Some complaints are petty complaints such as not representing the client in a matter that a client sought legal assistance even after legal fee has been paid. Unless these trends are addressed, decline in the advocates ethics will only get worse. Failure to guarantee functional self-regulation jeopardises the independence of the bar. TLS commends the great work well done by the Ethics Committee.

7.3 Poor Members Participation in TLS Activities

One of the complex challenges TLS has frequently encountered over the years is poor attendance of members in TLS activities. There is always poor show up of members in CLE seminars, in legal aid events, in Chapter meetings, conference, and other activities statutory and non-statutory. Members poor show up in TLS events not only affect performance, but revenue targets as well. The Law Society must take measures to address this poor attendance in TLS events.

7.4 Non or Untimely Submission of Reports from the TLS Chapters for implemented Activities

TLS has faced a serious challenge of non-submission or delayed submission of the reports on activities implemented at chapter level. It is noted that most chapters are actively undertaking a number of activities and events but little is being reports back to TLS HQ for documentation and monitoring purposes. Chapter leaders should ensure the submission of their narrative and financial reports.

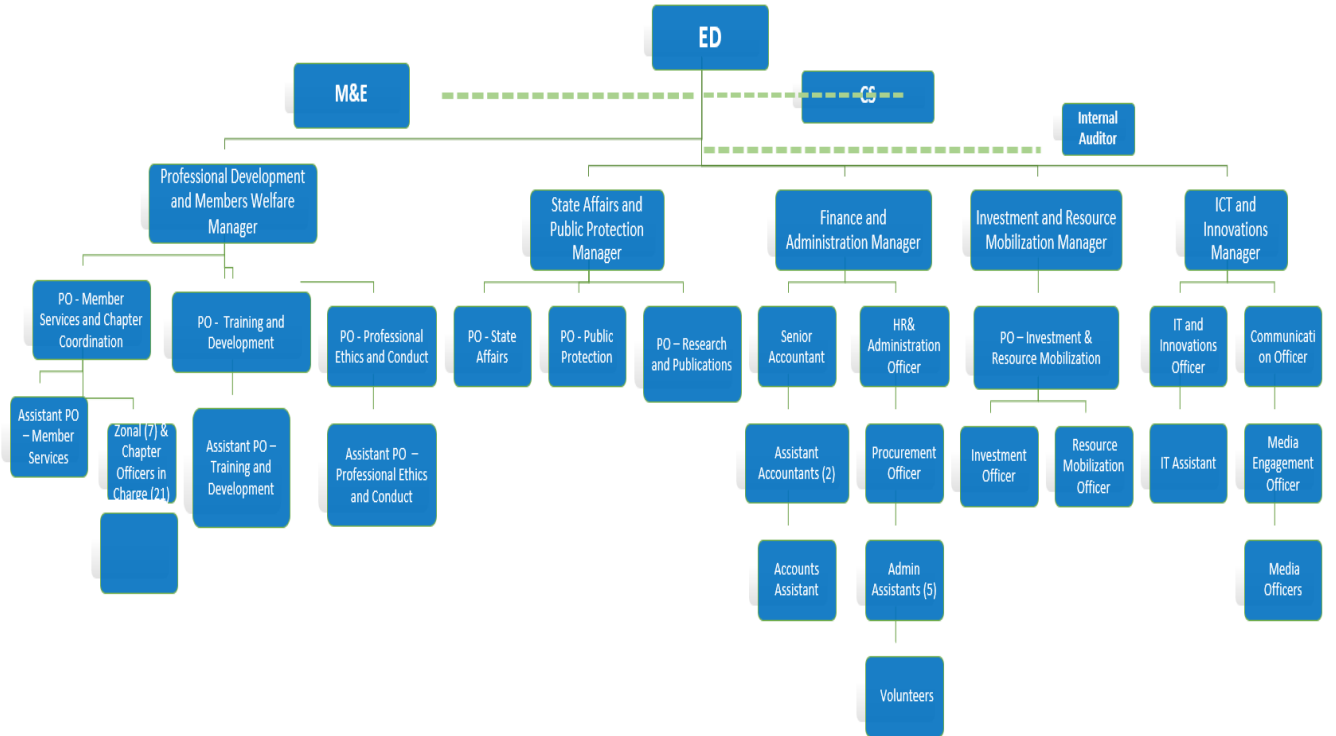
8. CONCLUSION

On behalf of the Governing Council, we have presented to you this Governing Council Annual Report for calendar year 2023. The report has highlighted key the achievements attained and challenges encountered by our Society in executing the mandate provided in section 4 of the TLS Act and as outlined in the TLS Strategic Plan 2023 – 2025. It is our hope that we will sustain the progressive and positive gains while on the same time working hard to minimize and completely do away with such clogs and challenges that may hinder excellent delivery of TLS objectives as we celebrate the 70th anniversary.

Aluta continua.

TLS ORGANOGRAMM

TLS Functional Organogram/Staffing Structure



ANNEXURES

Annex 1: Meetings of the Governing Council Elected in May 2023

This section provides a summary of record of attendance of members of the Governing Council in the Council meetings from January 2023 to May 2023.

S/N	Name	Designation	Qualifications	Profession	Nationality	Election Date	Attendance
1	Prof. Edward Hoseah	President	PhD, LLB, LLM	Advocate	Tanzania	27/05/2022	4
2	Glory Kalabamu	Vice President	LLM, LLB, PGDLP	Advocate	Tanzania	27/05/2022	5
3	Frederick Msumali	Honorary Treasurer	CPA, MBA, LLB, PGDLP	CPA, Advocate	Tanzania	27/05/2022	5
4	Edward Heche	Member	LLB, PGDLP	Advocate	Tanzania	27/05/2022	4
5	Elibariki Maeda	Member	LLB, PGDLP	Advocate	Tanzania	27/05/2022	5
6	Ladislaus Rwekaza	Member	LL.M, LLB, PGDLP	Advocate	Tanzania	27/05/2022	4
7	Lenin Njau	Member	LLB, (Hons), LLM, PGDLP	Advocate	Tanzania	27/05/2022	3
8	Tike Mwambipile	Member	MBA, LLB, PGDLP	Advocate	Tanzania	27/05/2022	5
9	John Mallya	Member	LLB, PGDLP	Advocate	Tanzania	27/05/2022	3
10	Ally Nkhanga	Member	LLB, PGDLP	Advocate	Tanzania	27/05/2022	3

This section provides a summary of record of attendance of members of the Governing Council elected in May 2023. The attendance record covers the period of May and December 2023.

S/N	Name	Designation	Qualifications	Profession	Nationality	Election Date	Attendance
1	Harold Sungusia	President	LLM, PGDL, LLB	Advocate	Tanzania	13/05/2023	9

2	Deus Nyabiri	Vice President	LLM, LLB	Advocate	Tanzania	13/05/2023	7
3	Christopher Mageka	Honorary Treasurer	CPAPP, LLB, CPB, CPSP, MBA	CPA, Advocate	Tanzania	13/05/2023	9
4	Edward Heche	Member	LLB, PGDLP	Advocate	Tanzania	13/05/2023	8
5	David Shilatu	Member	LLM, LLB	Advocate	Tanzania	13/05/2023	7
6	Stephen A.Mwakibolwa	Member	MBA, LLB	Advocate	Tanzania	13/05/2023	9
7	Irene Mwakyusa	Member	LLB, LLM, MBA	Advocate	Tanzania	13/05/2023	7
8	Letitia Ntagazwa	Member	LLB,	Advocate	Tanzania	08/11/2023	1
9	Matatizo Msasa Thomas	Member	PGDLP, LLB,	Advocate	Tanzania	13/05/2023	9
10	Steven Kitale Cleophas	Member	PGDLP, LLB,	Advocate	Tanzania	13/05/2023	9
11	John Nyange	Member	LLM, LLB	Advocate	Tanzania	13/05/2023	5

Annex 2: REPORTS FROM THE COMMITTEES OF THE GOVERNING COUNCIL

A: NATIONAL ETHICS COMMITTEE ANNUAL REPORT

1. INTRODUCTION

This is an Annual Report of the Tanganyika Law Society National Ethics Committee (“the Committee”) for the year 2023 in compliance with Regulation 8(3) of the Tanganyika Law Society (Ethics) Regulations, 2022 [G.N. No. 602 of 2022] (“the TLS Ethics Regulations”), which enjoins the Committee to prepare annual report of its activities to the Council for submission before the General meeting and Annual General Meeting respectively.

2. ESTABLISHMENT AND JURISDICTION OF THE COMMITTEE

The Committee is among the Standing Committees of the Governing Council of the Tanganyika Law Society (“the Society”). It is established under Regulation 20 of the TLS Ethics Regulations and is vested with the following jurisdiction:

- a) To enforce the Regulations of the Advocates (Professional Conduct and Etiquette) Regulations, G.N. No.118 of 2018 and any other relevant law
- b) To determine any matter referred to it by a member of the public, any authority, tribunal or court
- c) To hear and determine complaints relating to misconduct of a member of the Society
- d) To deal with any matter referred to it by any organ of the Society
- e) To determine any reference from the Chapter Ethics Committees
- f) To refer any matter to the Chapter Ethics Committees for determination; and
- g) To advice Council on matters relating to ethics of members of the Society.

3. COMPOSITION OF THE COMMITTEE

The Committee is composed of nine members who are appointed by the TLS Governing Council. Currently, the Committee comprises of the following Members:

- i. Hon. Judge (Rtd) Robert Vincent Makaramba - Chairperson
- ii. Senior Advocate Dr. Wilbert Basilius Liyoya Kapinga - Vice Chairperson
- iii. Hon. Judge (Rtd) Frederick Mwita Werema
- iv. Hon. Hezron Jimson Mwankenja
- v. Senior Advocate Dosca Kemilembe Paulo Mutabuzi
- vi. Senior Advocate Innocent Richard Tairo
- vii. Advocate Frank Andrew Chundu
- viii. Advocate Georgina Bazil
- ix. Advocate Ally M. Kileo

4. SWEARING IN OF THE COMMITTEE MEMBERS

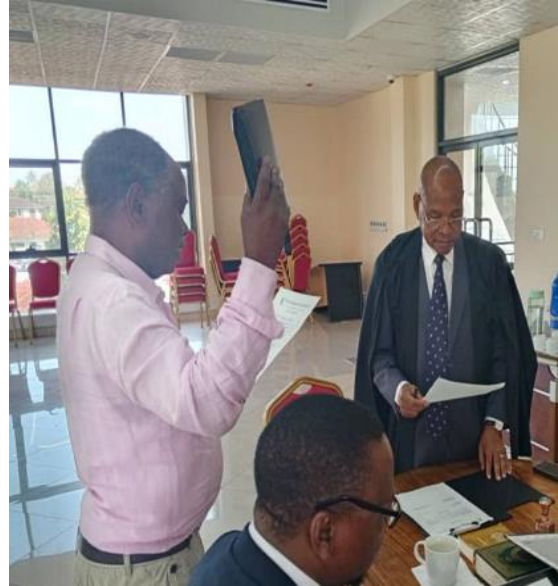
It is a requirement under Regulation 7 of the TLS Ethics Regulations that before assuming their offices, Members of the Committee should take oath of office, to be administered by the most senior member of the Society available at national level for the National Ethics Committee members, and at their respective Chapter for members of the Chapter Ethics Committees. In compliance with this requirement,

eight out of the nine Members of the National Ethics Committee took their oath of office on the 04th August, 2023 before Senior Advocate Charles Rutayuga Burchad Rwechungura. One member of the Committee, Hon. Judge (Rtd) Frederick Mwita Werema could not take the oath due as he had some health issues.

The colourful swearing-in ceremony of the Members of the Committee was captured in the pictures as shown below.



Hon. Judge (Rtd) Robert Vincent Makaramba being sworn in as Chairperson of the Committee.



Senior Advocate Dr. Wilbert Basilius Liyoya Kapinga being sworn in as Vice Chairperson of the Committee.



Hon. Hezron Jimson Mwankenja being sworn in as a member of the Committee.



Senior Advocate Dosca Kemilembe Paulo Mutabuzi being sworn in as a member the Committee.



Senior Advocate Innocent Richard Tairo being sworn in as a member of the Committee.



Advocate Frank Andrew Chundu being sworn in as a Member of the Committee.



Advocate Georgina Bazil being sworn in as a member of the Committee.



Advocate Ally M. Kileo being sworn in as a Member of the Committee.

5. COMMITTEE'S ORDINARY MEETINGS

In 2023, the Committee conducted two Ordinary statutory meetings; the first one on Tuesday, 1st August, 2023 at Wakili House and the second one on 12th October, 2023 at the same venue.

The agenda of the first Ordinary Meeting held on Tuesday 1st August, 2023 included the following items:

- i. Appointing the Vice Chairperson of the Committee after the approved consent from the Governing Council
- ii. Review of the Terms of Reference (TORs) for the Committee
- iii. Review of Action Plan and creation of a working relationship between the Committee and other disciplinary Committees namely, the National Advocates Committee and Chapter Ethics Committees.

The second Ordinary Meeting held on 12th October, 2023 aimed at reviewing the Draft TLS Ethics Rules of Proceedings. The Committee deliberated at length and thoroughly the draft rules and made some recommendations for improvements to fit the current

situation in conducting ethics hearings both at TLS Chapter Committees and the National Ethics Committee level. The Draft Ethics Rules of Proceedings were then submitted to the Governing Council, which approved them. The Rules were signed by TLS President on **15th December, 2023**, thus making them operational.



Hon. Judge (Rtd) Robert Vincent Makaramba, the Committee Chairperson (far front) chairing the first Ordinary Meeting of the Ethics Committee.

6. COMPLAINTS HANDLING AND HEARING SESSIONS

In the period under consideration, the Committee conducted a total of twelve (12) hearing sessions. In increasing efficiency in its performance, the Chairperson of the Committee appointed two Hearing Panels comprised of three members each, one of whom served as Chairperson of the Panel, and an alternate member. The pictures below show some of the Panel Members conducting hearing sessions.



7. MEDIA ENGAGEMENT

In the period under consideration, the Committee conducted media engagement on ethical issues.-Some of the outgoing Members of the Committee made presentations at the Clouds FM Radio and EFM Radio stations to engage the public and raise awareness on issues of ethics and professional misconducts of Advocates, and how complaints of professional misconduct are handled and dealt with by the Committee.



One of the outgoing members of the National Ethics Committee, Hon. Judge (Rtd) Frederick Mwita Werema attended the Media Session at the Clouds FM Radio Station for raising awareness to the public on Advocates' professional ethics and conduct.



The outgoing Ethics Committee Chairperson, Senior Advocate Ibrahim Bendera explaining ethical issues at EFM Radio Station.

8 INDUCTION AND TRAINING OF PROSPECTIVE ADVOCATES

In the period under consideration the Committee participated in the induction and training of prospective advocates on 4th July, 2023, which was attended by 195 participants. The Chairperson of the Committee and the outgoing Chairperson of the Committee each made a presentation on how Advocates should conduct themselves professionally and ethically. Furthermore, the Morogoro Chapter also conducted an online ethics training titled “*Advocate Remunerations, Client’s Accounts and Properties: Pertinent Legal and Ethical Issues to Consider*”, which attracted about 157 participants.



m left to right: The incoming Ethics Committee Chairperson Hon. Mr. Justice (Retired) Robert V karamba and Captain Advocate Ibrahim Bendera – The outgoing Ethics Committee member presented a topic on ethical issues to newly admitted advocates.

9. COMPLAINTS HANDLING

9.1 Complaints Received at the TLS Headquarters

In the period **from January to December, 2023**, the TLS Headquarters received a total of 65 ethical complaints; 17 from Kinondoni, 30 from Ilala, seven from Kigamboni, three from Ubungu, one from Temeke. Others were two from Dodoma, one each from Mbeya, Mwanza, and Arusha and two from Pwani Chapter. As pointed out earlier in this Report, the Committee handled the complaints through two Hearing Panels, comprised of three members each with one alternate member.

The table below shows the complaints received and handled by the National Ethics Committee in the said period:

S/N	Complainant	Respondent	Roll No.	Chapter	Complaint No.	Nature of Complaint	Committee Decision
1.	Wanzagi Selemani Makongoro	Francis Munuo	8647	Kinondoni	01/2023	The advocate was alleged to have failed to pursue	Closed/ Parties settled and advocate decide to proceed with the case

						his client's case despite being paid fees.	
2.	Empharaim E. Mwalwiba	Joyce Reuben Ngasani	722	Ilala	02/2023		Referred to Advocates Committee
3.	Kamati Wazee Wastaafu Urafiki	Godwin Muganyizi	985	Ilala	03/2023	Representing the clients without instructions	Closed/heard and determined by ethics
4.	Rhoda R. Mwakikuti	Michael George Mhina	7833	Ilala	04/2023	Failure to prosecute case on time and use the client money for his personal	Closed/heard and determined by ethics
5.	Hindu Ramadhan Mahoka	Erick Kelvin	6215	Ilala	05/2023	The advocate is alleged to have received fees but failed to render any legal services.	Complainant withdrew her case after amicable settlement with the Respondent
6.	Fikiri M. Mzeru	Iddi H. Msangi & Moses L. Kimaro	7041 6199	Ilala Ilala	06/2023	Representing the clients without instructions	Closed/Settled by parties

7.	Shabani Gogodi	Erick January Kambam wene	513	Ilala	07/2023	The advocate is alleged to have failed to pursue his client's case despite being paid fees.	The Complaint was dismissed as there was no any unethical conduct committed by the Respondent
8.	Dr. Edna Moses	Benson Bwire Kuboja	5570	Kinondoni	08/2023	The advocate is alleged for fraud	Closed/ Advocate ordered to refund the client
9.	Japhet Joseph Kafrica	Hekima Mwasipu	3490	Kigamboni	09/2023	The advocate alleged to have committed several acts of theft including obtaining money by false pretences	The Committee ordered the Respondent complete a refund of Tshs.3 million (Say Tanzanian Shilling Three Million Only to the Complainant
10.	Halima Rajabu Sekilojo	Nashon Nkungu	5348	Kinondoni	10/2023	The advocate is alleged to have failed to attend in Court despite being paid legal fees.	The matter was heard and the Advocate was ordered to withdraw from his client's case and return certain documents to the complainant
11.	Veronica Isaya & Abdallah Sharif	Abdullah Zulu Lyana	4946	Kinondoni	11/2023	The advocate is alleged to have failed to pursue his client's case despite	The Respondent ordered to pay the Complainant TShs. 2,500,000/=

						being paid legal fees.	
12.	Johnson K. Mutaganywa	Killey Mwitias	3490	Ilala	12/2023	The Advocate is alleged to have failed to appear in court despite being paid legal fees.	The Committee upheld objection by the Advocate and struck out the complaint for lack of jurisdiction
13.	Joyce Marwa Bitaalian	Nictagon Amon Itege	4616	Kinondoni	13/2023	The advocate is alleged to have failed to assist client (complainant) to get her terminal benefits.	The Committee decided that Respondent had to refund the Complaint Tshs. 250,000/=
14.	Kanuti C. Tweve	Magige Eric Mora	5647	Ilala	14/2023	The advocate is alleged to have failed to file an application for temporarily injunction at court despite being paid legal fees.	The Committee ordered the respondent advocate to reimburse his client the sum of TShs. 1,100,000/= and to return the title deed and the case file to the Complainant
15.	Eva Kisanga Kichui C/O Country Wide	Edwin Timoth Msigwa	1588	Kigamboni	15/2023	The advocate is alleged to have failed to repay a private loan he took from the	The Committee dismissed the matter for want of jurisdiction since the complaint deals with failure to perform a private loan contract and not

						complainant's company.	professional misconduct allegations.
16.	Simon Njama Asseyi	Bennety Mtatiro Itang'are	7285	Kinondoni	17/2023	The advocate is alleged to have failed to assist client in selling a plot of land at Mbweni despite being paid legal fees.	The Committee decided that the Respondent should refund the complaint TZS Six Million One Hundred and Fifty Thousand only (6,150,000/=) as per agreed schedule of payment
17.	Jonas Bunini Mapesi	Deus Clement Singa	5518	Ilala	18/2023	Removed himself from prosecuting case without any formal notice.	Closed/heard and determined by Ethics Committee
18.	Jackine Odhiambo & Paul Kiula	Emmanuel Joachim Msengezi	1051	Ilala	19/2023	The advocate is alleged to have failed to pursue his client's case despite being paid legal fees.	The complaint was resolved amicably as the complainant withdrew the case
19.	Joseph Josia Benedict	Hekima Mwasipu	5153	Kigamboni	20/2023	The advocate is alleged to have received fees without rendering any legal services.	The matter was adjourned due to non-appearance of the Advocate. The Committee issued notice for hearing

20.	Steven Fanuel Maka	Hekima Mwasipu	3490	Kigamboni	21/2023	The advocate is alleged to have received fees without rendering any legal services.	The matter was adjourned due to non-appearance of the Advocate. The Committee issued notice for hearing
21.	Godchile Chirare Castory & Peter Bonus Ndimbo	Thomas Aloyce Kasiga	9503	Ubungo	22/2023	The advocate is alleged to have committed several acts of theft including obtaining the money by false pretenses.	The Committee issued Substituted Notice by publication in newspaper of wide national circulation for since the Advocate failed to appear before the Committee. The matter is scheduled for hearing
22.	Juma Omary Nyamgunda	Iddy Mussa Msawang a, Hussein Hashim Msekwa, And Emily Laus Christant	4496 8009 6409	Ubungo Kinondoni Ilala	23/2023	The three advocates are alleged to have witnessed a contract which was not signed by the complainant.	The matter was struck out as there was a pending case at Ilala District Court which involved similar facts
23.	Azizah Issa Suleiman	Hemedi R. Kulungu	6680	Dodoma	24 /2023	This complaint was referred to the Committee by Dodoma Chapter	The Committee ordered; (i) The respondent should refund to the Client One

						Ethics Committee	<p>Million Five Hundred Thousand Shillings Only (1,500,000/=)</p> <p>(ii) The respondent is admonished and ordered to refrain from unethical conducts in respect of the legal profession</p>
24.	Fionce Omary Abdallah	Sarah John Mkenda	3950	Kinondoni		The advocate is alleged for forgery	Client advised according to prosecute forgery case
26.	Fredi William Fanta	Abdullah Zulu Lyana	4946	Ilala	27/2023	The advocate took client money without performing his duty to help him to get out of prison	The Respondent to pay the Complainant TShs. 1,000,000/=
27.	Kassim Mambo	Abdullah Zulu Lyana	4946	Ilala	28/2023	The advocate took client money without performing his duty to help him to	The Respondent to pay the Complainant TShs. 2,500,000/=

						get out of prison	
28.	Saidi Halfani Mohammedi	Selemani Matauka & Another	6695	Kinondoni	31/2023	pray for refund of money for non-appearance	Closed/Settled by parties
29.	Joseph Wesiko Mwita	Victor Serv Kessy	4485	Ilala	32/2023	The advocate is alleged for failing to fulfil his duties on time	Closed/ Heard and determined by the Ethics Committee
30.	Stanley R. Ndamgobe	Daniel Otieno Oduor	8346	Ilala	33/2023	The advocate was alleged to have failed to pursue his client's case despite being paid fees.	Closed/heard and determined by ethics
31.	Shabani Salum Juma	Abdullah Zulu Lyana	4946	Ilala	29/2023	The advocate took client money without performing his duty to help him to get out of prison	The Respondent to pay the Complainant TShs. 500,000/
32.	Hussein J. Chongowe	Peter Kibatala	1421	Ilala	30/2023	pray for his car to be returned back and her wife be given another	Closed/ Parties settled by advocate decided to refund the client
33.	Rose Mutagonda Kundecha	Puyo Elenor	3063	Kigamboni		The advocate is alleged to	Client advised according to

		Nzalay Amis				attest a forgery document	prosecute forgery case
33.	Lucas Nyamuru Nigera	John Seka	1430	Kinondoni		The advocate is alleged to pursue a Complainant's case and being paid without the knowledge of the Complainant.	The Complainant has requested to withdraw the Complaint as he chooses to pursue it through another forum
34.	Peter Rutayuga Bukagile	Advocate Habibu Mwenye Abubakar	4579	Temeke		The advocate is alleged to have failed to pursue client case despite being paid	The matter was resolved through mediation at TLS Secretariat
35.	Ambakisye Mwalusambo	Joyce Kasebwa	2208	Mbeya		The advocate is alleged for several misconducts	Referred to Mbeya Chapter
36.	Sylicheria F. Machera	Mashaka F. Tuguta	1558	Mwanza		The advocate is alleged to mislead his client (client signed a contract without properly know the contents of the contract	Referred to Mwanza Chapter

37.	Hussein Thabit Hussein	Advocate Salimu Bagachwa Rutasingwa Abubakar	1087	Ilala		The advocate is alleged to have failed to pursue client case despite being paid	Referred to ilala Chapter
38.	Leonard Pantaleo Mosha & Milenia Mosha	Hamza Jabir & Hosea Chamba	4454 5942	Ilala Ilala	25/2023	The advocates are alleged to have failed to pursue client case despite being paid	Pending hearing
39.	Zaharia Ibrahim Maine	Philemon Mujumba	1039	Ilala		The advocate was alleged to have failed to pursue his client's case despite being paid fees.	Pending hearing
40.	Benson E. Tarufeni Minja	Massy Bondo	3477	Kinondoni		The advocate is alleged for not paying carpenter service	Pending Hearing
41.	Violeth Castor Lumato	Peter Bana	6329	Ilala		The complainant has the complaint against the advocate of the other part of the case for profession	Pending Hearing

						al misconduct	
43.	Cleopa Msuya	Kilindu Giattas & Partners				Advocates from a law firm are alleged to conduct double dealing	Pending Hearing
45.	Taalib K. Mbowe	Daniel Erasmi Shao	7371	Ilala		The advocate is alleged to have failed to pursue client case despite being paid	Pending Hearing
46.	Bwata Msafiri Ruwa	John Mallya	3971	Kinondoni	26/2023	The advocate is alleged to have failed to pursue client case despite being paid.	Pending hearing
47.	Dorice Nyabange	Emmanuel Ole Kokan	10878	Arusha	16/2023	The advocate was alleged to have failed to discharge his duty despite being paid fees.	Pending hearing
48.	Mfaume Othumani Abdallah	Abel Ngaliaba Magendo	1850	Ilala		The advocate is alleged to have failed to pursue client case despite being paid	Pending a reply from the respondent

49.	Ally Abdallah Abdi	Hassan Abdallah Kilule	887	Kigamboni		The advocate is alleged to have failed to pursue client case despite being paid. -Advocate refuse to return documents to the client	Pending a reply from the respondent
50.	Marwa Waitara	Gabriel Bartholomew Masinga	2608	Ilala		The advocate is alleged to have failed to pursue client case despite being paid.	Pending a reply from the respondent
51.	Seif Mohamed Maungu & Others	Leonard Tungaraza Manyama	2868	Ilala		The advocate is alleged to defense a client were he has a conflict of interest.	Pending a reply from the respondent
52.	Upendo Richard & Others	Joyce Reuben Ngasani	722	Ilala		The advocate is alleged to misuse client's funds	Pending a reply from the respondent
53.	Gausen Masonda & Others	Rochus Gasper Assenga	4908	Ilala		The advocate is alleged to have failed to pursue client case despite being paid.	Pending a reply from the respondent

54.	Taalib K. Mbowe	Daniel Erasmi Shao	7371	Ilala		The advocate is alleged to have failed to pursue client case despite being paid	Pending a reply from the respondent
55.	Athumani Mbwana	Fadhil Sebeku	4297	Kinondoni		The advocate is alleged to have failed to pursue client case despite being paid.	Pending a reply from the respondent
56.	George Japhet Mamkwe	Advocate Sindilo Godwillin g Lyimo	4717	Kinondoni		The advocate is alleged to have failed to pursue client case despite being paid	Pending a reply from the respondent
57.	Gerald Godwin Samwel	Advocate Damas Sixtus	10262	Dodoma		The advocate is alleged to have failed to pursue client case despite being paid	Pending a reply from the respondent
58.	Evodi Augusti Mallya	Advocate Mohamed Mkali	859	Kigamboni		The advocate is alleged to have failed to pursue client case despite being paid	Pending a reply from the respondent
59.	Ezekiel Patrick Dudu	Abdullah Zulu Lyana	4946	Kinondoni		The advocate is alleged to have failed to pursue client case	Pending a reply from the respondent

						despite being paid	
60.	Emil Atanase Karume	Rita Nibwo Ntagazwa	9800	Pwani		The advocate is alleged to have failed to pursue client case despite being paid	Pending a reply from the respondent
61.	Salima Said Kipindula	Hekima Mwasipu	5153	Ubungo		The advocate is alleged to have failed to pursue client case despite being paid	Pending a reply from the respondent
62.	Nassor Shabani Hassani	Advocate Denisi Maringo	3677	Ilala		Professional negligence	Pending a reply from the respondent
63.	Gausen Masonda	Rochus G. Asenga	4908	Ilala		To admonish the respondent To return the documents of the case to the client	Pending a reply from the respondent
64.	Chalres Daud Mpomo	Hilal Hamed Rashid	741	Kinondoni		The advocate is alleged to have failed to make follow up on the letter requesting extension	Pending a reply from the respondent

						of time to file a case	
65.	Emil Atanase Karume	Rita Nibwo Ntagazwa	9800	Pwani		The advocate is alleged to have failed to pursue client case despite being paid	Pending a reply from the respondent

In the period of consideration of the **65 fresh** complaints received, the Committee managed to determine and dispose of a total of **35 ethical** cases which make a 53% of all cases presented before the National Ethics committee.

9.2 Complaints Heard at the Chapter level and Referrals to the National Ethics committee

In the period under consideration, some complaints were determined at the Chapter Ethics Committees as indicated in the table below. As explained the complaints commenced at the Chapter level and some claims were referred to the National Ethics Committee as required under Regulation 18 of the Ethics Regulations. Basically, the Chapter Ethics Committees referred the matters for recommendation and confirmation.

S/N	Chapter	Complainant	Respondent	Roll No.	Nature of complaint	Status
1.	Kinondoni	Kassim Mambo	Abdullah Zulu Lyana	4946	It was alleged that the Advocate failed to fulfil his duties after being engaged and paid legal fees	The Respondent to pay the Complainant TShs. 2,500,000/= within one month from today 15 th November, 2023
2.	Kinondoni	Fred William	Abdullah Zulu Lyana	4946	The advocate is alleged to have failed to appear in court despite being engaged	The Respondent Advocate, from the date of this

					and paid legal fees	decision to 15 th January, 2024 to refund the amount of Tshs. 1,500,000/= to the Complainant.
3.	Kinondoni	Shabani Salum	Abdullah Zulu Lyana	4946	The advocate is alleged to have failed to appear in court after being engaged and paid legal fees	Referred to the National Ethics Committee the Respondent to pay the Complainant TShs. 500,000/= within one month from today 15 th November, 2023
4.	Ubungo	Joseph kafrica	Hekima Mwasipu	5153	The advocate is alleged to have failed to cooperate with client by not receiving client's calls and by giving false promises after being paid fees to guarantee the client's relative	The Respondent shall, by 5 th January, 2023 complete to refund the complainant the amount of Tshs.3 million (Say Tanzanian Shilling Three Million Only).

5.	Kinondoni	Shabani Ibrahim	Francis Munuo	8647	The advocate is alleged to have failed to appear in court to pursue his client's case despite being paid fees	The matter is pending the decision of the Committee
6.	Ubungo	Godluck Lyimo	Ebene Silayo	8731	The advocate is alleged to have failed to appear in court to represent the client despite being paid legal fees.	The matter is pending the decision of the Committee
7.	Ilala	Mohamed Msakala	Jonathan Mbuga	1434	The advocate is alleged to have confiscated the client's documents, Title Deed, after the Advocate client relationship ended.	The matter is pending the decision of the Committee
8.	Ilala	Dickson Mpangala	Benedict Pius	5304	The advocate is alleged to have confiscated the client's matrimonial Land Title in which the husband is the Advocate's brother and at the same time the Advocate represents her brother in the matrimonial case	The matter is pending the decision of the Committee
9.	Ilala	Sarah Msafiri	Odhiambo Kobas	957	The advocate is alleged to have failed to pursue his client's case	The matter is pending the decision of

					despite being paid legal fees and is claimed to have confiscated the client's documents	the Committee
10.	Ilala	Said Rubamba	Idd Mussa	4496	The advocate is alleged to have witnessed and signed a fake Sales Agreement which resulted in fraud	The matter is pending the decision of the Committee
11.	Ilala	Mwakiselu Mwambange	Benedict Pius	5304	The advocate is alleged to have failed to pursue his client's case despite being paid legal fees.	The matter is pending the decision of the Committee
12.	Ilala	Nassoro	Meneghat John Nyamongora	10482	The advocate is alleged to have confiscated his client's documents	The Committee advised the complainant to file the complaint with the Arusha Chapter Ethics Committee
13.	Ilala	Mack Emanuel Koka	Odhiambo Kobas	957	The advocate is alleged to have confiscated the client's documents; a Title deed, after the Advocate client relationship ended	The matter is pending hearing.
14.	Ruvuma	Francis Candidus Ndiwu	Eliseus Ndunguru	4692	The advocate is alleged to have withdrawn an Appeal without his client's	The matter is pending hearing

					knowledge/consent	
15.	Iringa	Honorable Resident Magistrate in Charge of Makete Urban Primary Court D.R Mujwahuzi	Edmundi Mkwata	6241	The advocate is alleged to have used abusive language and performing other acts of misconduct, such as being in an alcoholic state in court corridors	The matter is pending the decision of the Committee
16.	Iringa	Emmanuel Sanga	Jackson Abraham Chaula	3350	The advocate is alleged to have failed to transfer land property by conveyance to Mr. Sanga's name	The matter is pending the decision of the Committee
17.	Iringa	Sili Iddi Ugulumo	Prisca Mussa Mtanga	4169	The advocate is alleged to have failed to appear in the District Land and Housing Tribunal despite being paid legal fees	The matter is pending the decision of the Committee.
18.	Iringa	Humphrey Masawe,	Leonard Sweke P	9178	The Advocate is alleged to have withdrawn his client's case from Court without the prior consent of the client	The matter is pending the decision of the Committee
19.	Iringa	Castory Kipwagi,	Edmund Mkwata	6241	The advocate is alleged to have failed to appear in court in a matter despite being paid legal fees	The matter is pending the decision of the Committee
20.	Iringa	Nolasco H Nyera	Leonard Sweke P	9178	The advocate is alleged to have	The matter is pending

					withdrawn the client's case without the client's knowledge and consent	the decision of the Committee
21.	Kagera	Erasmus Bishanga	Mathias Rweyema mu	1078	The advocate is alleged to have been negligent in handling his client's case	The matter is pending hearing by the Committee
22.	Kagera	Angelo Iluganyuma	Dunstan Mutaghwya	4867	The advocate is alleged to have forged his client's signature and instituting a case without the client's consent	The matter is pending hearing by the Committee
23.	Arusha	Victor Lukanda	Edmund Ngemela	1867	The advocate is alleged to have failed to pursue his client's case despite being paid legal fees by way of instalments	The Arusha Chapter Ethics Committee scheduled a hearing on 8 th September , 2023
24.	Arusha	Jonais Temba	Fadhili Nangawe	1820	The advocate is alleged to have failed to represent his client in a labour case	The Arusha Ethics Committee directed the parties to parties to arrange a meeting to deliberate on the way forward so that the advocate can reinstitute the case in the High Court.

25.	Arusha	Charles Shirima	Ahmed Hamis Mhija	5563	The advocate is alleged to have failed to institute a case or appear in court to represent his client in a land case at the Arusha District Land and Housing Tribunal	<p>The Arusha Chapter Ethics Committee observed that respondent advocate has not renewed his practicing certificate (license) since 2018 so he is not a practicing. Further, that he has no permanent office location in Arusha.</p> <p>The Committee resolved further that that the actions of the respondent advocate were totally criminal in nature</p>
26.	Arusha	Mbeyai Nokisarun	Fridolin Bwemelo	7535	In this matter, the complainant's claim is for a refund of Tshs. 2,000,000/= he gave to the advocate to	The Committee ruled that the parties should amicably settle their dispute

					prosecute a case at Police for detaining the complainant's car for more than 1 year	and report back to the Chapter Office
27.	Arusha	Cosmas Athanas	Bonaventure Nicolaus Bonaventur	6145	In this matter, the complainant's claim is for a refund of Tshs. 30,000/= he gave to the advocate and documents, but the advocate failed to complete the assignment	The Arusha Chapter Ethics Committee heard the matter on 23 rd September, 2023 and resolved that the advocate should refund Tshs. 30,000/= (thirty thousand shillings) to the complainant and all the documents
28.	Arusha	Ally Mgaza	Arnold Ojare	6658	The advocate is alleged to have failed to appear in court	The parties settled their differences amicably and reported to the Chapter office
29.	Arusha	Pascal Nade	Joshua Mkumbwa	6470	The advocate is alleged to have failed to represent the complainant in a probate case	The Arusha Chapter Ethics Committee heard the matter and resolved

						that Advocate acted as per the law hence the claim has no legal base
30.	Dodoma	Herieth Andrea Masumba	Irene Thadeo Mwakilema	1572	The Advocate is alleged to have colluded with a vendor to sale a plot of land of which the vendor is its owner	The matter was scheduled for hearing on 20 th October 2023

10. CHALLENGES AND RECOMMENDATIONS

S/N	Challenges	Recommendations
1.	<ul style="list-style-type: none"> ▪ Delay in investigation of “Vishoka cases” by the police. Vishoka refers to persons who engage in unauthorised practice of law ▪ Notably, there has been a growing trend on unauthorised practice of law by people who are not advocates, which if not curbed earlier poses a serious threat to the legal profession ▪ 	<ul style="list-style-type: none"> ▪ The Governing Council through this Committee to conduct a public awareness raising campaign and engage with the relevant criminal justice stakeholders in addressing this challenge ▪ The Committee should intensify its media campaign and continue raising public awareness so as to inform the public on how to identify, report and curb such practices ▪ The TLS Governing Council to prepare a “name and shame list” of all those caught engaging in unauthorised practice of law <p>The Governing Council to direct more effort on insisting the use of the QR Code digital stamps by practising advocates</p>
2.	<ul style="list-style-type: none"> ▪ Lack of sufficient funds to facilitate timely hearing of complaints and for conducting media 	<ul style="list-style-type: none"> ▪ The Governing Council is strongly urged to consider allocating more funds for the Committee to enable it carry out its planned activities

	engagements and public awareness raising campaigns on ethical and professional conduct	▪
3.	▪ Under the TLS Laws and Regulations complainants do not pay any fee when lodging their Complaint with the Committee	▪ The Governing Council is urged to consider introducing a modest complaint filing fee amount to enable the Committee defray some of complaints handling costs
4.	▪ Failure by Advocates complained of for professional misconduct to comply with orders of Committee for example for money refund to complainants	The Committee to resort to taking the recalcitrant advocates to the High Court and seek enforcement of its orders as court decrees against them, failure of which they may held in contempt
5.	▪ Failure by Advocates complained against to file reply and some of them do not attend hearing sessions once scheduled giving various excuses and some even sending their legal representatives (advocates)	<ul style="list-style-type: none"> ▪ The recently signed Ethics Rules of Proceedings will go a long way to curb this practice ▪ The Committee to resort to punitive measures against such advocates

Dated at Dar es Salaam, this 3rd day of July 2024

S/N

NAME

SIGNATURE

1.

Hon. Judge (Retired) Robert
Vincent Makaramba

Chairperson of the Committee

2.

Advocate Gloria Baltazari
Secretary of the Committee

3.

Advocate Rashid Hassan
Assistant Secretary of the
Committee

Submitted to the Tanganyika Law Society Governing Council for
CONSIDERATION and ADOPTION.

B: THE SPORTS, LEISURE AND SOCIAL EVENTS COMMITTEE REPORT

INTRODUCTION

The Committee is responsible to the Governing Council (GC) on all matters pertaining to the Sports, Leisure & Social Events. The Committee should continually develop and conducts sports and social events so as to encourage social interactions between members, relaxations and mental health for members

ACTIVITIES CONDUCTED

1. Meetings

The committee manage to conduct three meetings

- The first meeting was conducted on 19th July 2023
- The second meeting was conducted 21st September 2023
- The third meeting was conducted on 1st December, 2023

In all meetings, committee discuss agendas, resolved and follow-up the implementations of the directives given to secretariat.

In all meetings, committee discuss agendas, resolved and follow-up the implementations of the directives given to secretariat.

2. Election of vice chairperson

The committee elect vice chairperson - Advocate David Manoti

3. Review and approve Committee TOR's

The committee manage to review and approve committee TOR's to ensure that it in accordance with the objective of its establishment.

4. Review and approve Committee Work Plan

The committee review and approve committee work plan that contain activities to be conducted in 2024.

5. Organizing Social events

Committee manage to collaborate with Kinondoni chapters to conduct Gala Dinner.

6. Preparation of Wakili Marathon Concept Note and Budget

The committee manage to prepare Wakili Marathon Concept Note and Budget. The concept note was approved but activity was not conducted due to regulatory and conditions to conduct Wakili Marathon

Chairperson: JUDITH ZEBEDAYO signature



Report submitted by:

Anastazia Muro - Committee secretary

Salha Rashid - Committee Secretary

C: ADVOCATES AND LAWYERS WITH DISABILITY COMMITTEE REPORT

COMMITTEE NAME	ADVOCATES AND MEMBERS WITH DISABILITY
REPORTING PERIOD	JANUARY - NOVEMBER 2023
INSTITUTION	TANGANYIKA LAW SOCIETY

1.0 Introduction

The Advocates and Lawyers with disability Committee is one of the national committees of Tanganyika Law Society which supports the Governing Council by promoting the rights, privileges and other related affairs of the society with disabilities. The responsibilities of the committee among others is: to advise the council on how best its services can benefit as well as be inclusive of and accessible by members with disabilities, to create and maintain a register of members with disability for the purpose of identifying the number of members with disabilities and the nature of their disability, to ensure appropriate disability related support and services are available, affordable, and on time for members with disabilities, to promote and protect the rights, potentials and contributions of members with disabilities within and outside TLS, to assist members with disabilities in advancing their legal education and providing better practicing conditions in courts, to promote inclusion and adequate self-representation of members with disabilities into different bodies of the TLS and other legal institutions at national, regional and international levels, to facilitate and give advice on appointment of members with disabilities to serve into courts as magistrates or judges, to mobilize resources for carrying out activities of the committee, and to perform any other duty for furtherance of TLS care functions and objectives for the benefit of its members with disabilities. The Committee is composed of 7 members.

2.0 Activities conducted during the 3rd quarter (July- September, 2023)

1. Conducting 1st Ordinary Meeting

The committee conducted its first Ordinary meeting on 9th September, 2023 at TLS Wakili House.

The Agenda for the Ordinary meeting were:

- i) Opening of the meeting
- ii) Confirmation of the agenda
- iii) Appointment of the vice chairperson
- iv) Review of Committees TORs
- v) Preparation of the Work plan
- vi) AOB
- vii) Closing of the meeting.

2. Creation of Members with Disability Register

During the year 2023 the committee successfully created a register for members with disability. In doing so, several emails encouraging members to update their

information (including their disability status) in the Wakili data base were sent to members. Further, the committee prepared a special identification form which was sent to all chapters in order for members to fill. The purpose of creating a register for members with disability is to identify all members with disability and establish their special needs so as to take appropriate measures to ensure that all members can access the services on an equal basis with others.

3. Organized staff training on Disability Inclusion

The Committee successfully conducted a training to all TLS staff at the HQ and those who are in chapters on ***Disability Inclusion: TLS Advancing towards a Disability Welcoming and Inclusive Institution***. The training was conducted on 31st March, 2023.

Objectives of the training were:

- i) Enhance the knowledge of staff members on the concept of disability and disability inclusion at workplace
- ii) Understand the legal framework for disability inclusion
- iii) Acquire knowledge and skills to interact, serve and work with people with disabilities



Advocate Novart Rukwago giving presentation to TLS staff



TLS staff participating in the training on disability inclusion



4. Organise CLE seminar on PWDs Laws

In liaison with the CLE Committee, the Committee prepared two topics which are included in the CLE Calendar for the year 2023. The topics are:

- i) The persons with disabilities Act 2010: Practical issues for lawyers in Tanzania
- ii) Disability inclusion in the law review process: Comparing the gains and gaps in the contemporary URT Constitution Review process

The aim of these seminars is to update members on the laws and challenges facing PWDs.

5. Solicit funds from development partners for conducting a research and prepare report on the disability rights and access to Justice.

The Advocates and Lawyers with disability committee has prepared an application and proposed budget. The same have been submitted to Freedom House as one of the TLS's development partner pending approval. The funds requested if approved will enable the Committee to conduct research and prepare a report on the Disability rights and Access to Justice.

6. Awareness session:

The Committee conducted awareness session on 3rd March, 2023 through Wakili TV with the aim of sensitizing advocates with disability to show up and vie for different positions in TLS leadership during the election period and to actively engage in different TLS activities. Further the session aimed at raising awareness to the advocates and public at large on the rights of Persons with Disabilities and access to justice. Advocates were emphasised to take into account rights of persons with disability in the course of their work.

7. Proposal for waiver of CLE fees:

In an effort to ensure the level of participation of persons with disabilities in TLS activities, justice system and access to justice, the Committee prepared and submitted a proposal to the TLS Governing Council requesting it to waive CLE fees to advocates with disability.

8. Implementing the project titled “Strengthening Access to Justice by Persons with Disabilities” funded by PACT

TLS through the Advocates and Lawyers with Disabilities Committee, with the support of Freedom House and PACT, has implemented a project titled “Strengthening Access to Justice by Persons With Disabilities” which enabled the Committee to conduct a study on the status of the implementation of laws and policies governing access to justice by PWDs as an intervention in promoting inclusion and increasing access to justice by persons with disabilities. In consideration of TLS' strategic position in the justice sector and within the community, such an intervention will stimulate further initiatives by other stakeholders and service providers that aim to bring change and support PWDs in

overcoming institutional and environment barriers that hinder their full inclusion in the community. Through this project the committee was able to conduct the following activities:

i. Engage consultant to conduct research and prepare report on status of implementation of laws and policies governing access to justice by persons with disabilities.

TLS engaged consultant with the overall objective of conducting a research and prepare the report on the legal and institutional framework governing access to justice by PWDs as an intervention in promoting inclusion and increasing access to justice by persons with disabilities. Specifically the consultant's scope of work was to:

- a) Collect information from justice actors such as the judiciary, prisons, police, prosecutors, solicitors and advocates on the status of access to justice by persons with disabilities.
- b) Identify the existing gaps, technicalities and irregularities in the policies, laws and guidelines governing the legal and institutional frameworks relating to disability inclusion and access to justice by PWDs in Tanzania.
- c) Identify the challenges in implementation of the policies and laws which impede on realization of the right to access justice by PWDs.
- d) Make recommendations on laws that need to be reformed to conform with internationally accepted norms and standards on disability rights.
- e) Submit a report

ii. Conduct Stakeholders' consultative meeting to collect information on the status of implementation of laws and policies governing access to justice by persons with disabilities.

The Committee conducted Consultative meeting which brought together key justice stakeholders in assessing the accessibility and accommodation of persons with disabilities in the justice system such as TAWLA, LHRC, the Office of Director of Public Prosecution, Judiciary, the Ministry of Constitutional and Legal Affairs, Ministry of Community Development, Gender Women and Special Groups, SHIVYAWATA, CHAVITA, Mirembe Hospital, Prison, TLB, TAHM, Police Gender Desk, Social Welfare and People with disabilities. This meeting was held on 6th July, 2023 at Dodoma Rafiki Hotel.

The main objectives of this activity were to:

- a) Collect information from the key stakeholders on accessibility and accommodation of persons with disabilities in the justice system,
- b) Obtain recommendations on necessary improvements in the justice system to make it more disability inclusive.

The meeting was attended by 36 people, 20 males and 16 females. Participants appreciated TLS's initiative to call for this meeting as platform for them to share their

experience as well as giving their recommendations on how to improve the justice system to make it more inclusive for PWDs.

iii. Validation session with key stakeholders on 19th July, 2023 at Rafiki Dodoma Hotel:

Following the preparation of the draft report, The Committee convened another meeting to validate the report. The objective of the validation session was to review and provide inputs to the draft report on ***The Status of Implementation of Laws and Policies Governing Access to Justice by Persons with Disabilities***. The stakeholders included TAWLA, LHRC, Director of Public Prosecution, Judiciary, Prime Minister’s Office – Labour, Youth, Employment and Persons with Disabilities, the Ministry of Constitutional and Legal Affairs, the Ministry of Community Development, Gender and Special Groups, SHIVYWATA, Police Gender Desk, Social Welfare and People with Disabilities. The validation session is among the series of activities conducted as part of implementation of this project. The meeting was conducted on 19th July 2023, at Rafiki Hotel, Dodoma by opening remarks from the Chairman of the TLS Advocates and Lawyers with Disabilities Committee, Advocate Gideon Mandesi. Thereafter, the facilitator, provided an overview of the draft report.

iv. Working session for committee members to review the draft report:

On **22nd July, 2023**, Advocates and Lawyers with Disability Committee conducted a working session with the aim of making a final review of the draft report after validation session and ensure that all necessary comments given by the stakeholders during the validation session were incorporated in the report. During the session, the committee went through the draft report page by page, the aim was to ensure that the report contains all relevant information necessary to suggest for improvement of the justice system for disability inclusion. The final report on the status of implementation of Laws and Policies governing Persons with Disabilities, is herewith attached as **Annex 1**. and forms part of this report.

v. Printing and Dissemination of the Report on “The Status of Implementation of Laws and Policies Governing Access to Justice by Persons with Disabilities”.

This activity was conducted on the fourth week of July after receiving the final draft form the consultant.

The dissemination is made to different stakeholders including Prime Minister’s Office, Judiciary(High Court, District Court and Primary Court), Prisons, Social Welfare offices Ministry of Constitution and Legal Affairs, Ministry of Community Development, Gender, Women and Special Groups, Police, SHIVYWATA, TAWLA, TANLAP and Police Gender Desk in the regions of Dar es Salaam, Tanga, Arusha, Mwanza, Kigoma, Kagera, Tabora, Kilimanjaro, Mara, Ruvuma, Mtwara, Pwani, Dodoma, Shinyanga, Iringa, and Mbeya.



Group picture of participants who attended Stakeholder's consultative meeting on 6/7/2023



Deputy Permanent Secretary of the Ministry of Community Development, Gender and Special Groups Hon. Amon Mpanju and Hon Richard Kilauga Director-Human Rights

department from the Ministry of Constitution and Legal Affairs together with other participants in a group discussion during the stakeholder's consultative meeting held on 6th July, 2023 at Rafiki Hotel Dodoma

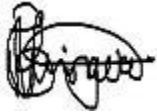


Group picture of participants who attended validation session on 19th July, 2023



Mr. Bruno Mwakibibi (first right) from Prime Minister's Office, Blastus Kahemela from MoCLA (first left) together with other participants in a group discussion during the validation session held on 19th July, 2023

Submitted by:
by:



Mwingwa
Secretary

Approved



Jacquiline
Gidion Mandes

D: REPORT OF THE MONITORING AND EVALUATION COMMITTEE

INTRODUCTION

This is a report of TLS Monitoring and Evaluation Committee submitted to the Governing Council. The report provides a summary of core committee activities implemented between July 2023 and December 2023 after the appointment of members of the Committee in June 2023.

ESTABLISHMENT AND SCOPE OF WORK OF THE COMMITTEE

This committee is established by the Governing Council of the Tanganyika Law Society, pursuant to section 17 of the TLS Act. The committee is an advisory arm of the Governing Council and is responsible to help the Council of the Law Society determine whether TLS is;

- i. Achieving its aims and objectives outlined in the TLS Act and Strategic Plan;
- ii. Showing progress towards its mission/purpose;
- iii. Meeting the needs of its members, stakeholders and beneficiaries
- iv. Able to demonstrate the impact of its work and activities;
- v. Using its resources efficiently and to the greatest effect
- vi. Complying with the law of the land; and;
- vii. Working within its policy framework.

Specific duties of the Committee are;

- a. Serve as the Governing Council advisory arm in all TLS monitoring and evaluation activities
- b. Provide oversight, guidance and technical assistance to the TLS Monitoring and Evaluation Unit
- c. Monitor and assess the implementation of TLS statutory objectives as provided in the TLS Act and advise the Council on the same
- d. Monitor and assess the implementation of TLS regulations, policies, strategies, plans, programmes, projects, services and activities to determine the need for further action, possible changes and improvements and make recommendations to the Council
- e. Monitor and assess the implementation of AGMs resolutions, directives and decision and advise the Council accordingly
- f. Monitor and assess the implementation of Council resolutions, directives, decisions and advise the Council accordingly
- g. Monitor and assess the performance of TLS organs (the Secretariat, Committees, Chapters) and advise the Council on the same
- h. Monitor and assess the performance of TLS institutions such as TIAC, PEI, Wakili Property Trust, DATF, and Wakili SACCOS and advise the Council on the same
- i. Collaborate with the Audit Committee to monitor and assess the efficiency in the use of TLS resources, its effect and advise the Council accordingly
- j. Monitor and assess TLS compliance with the laws of the United Republic of Tanzania
- k. Monitor and assess the coherence, consistency, synergies and interlinkages between the Secretariat (including its departments), Committees and Chapters

- l. Monitor and assess the coherence, synergies and interlinkages between TLS regulations, policies, strategies, plans, programmes, projects and activities with government priorities as well as consistency with international norms and standards to which TLS is obliged
- m. Monitor and assess the relevance, efficiency, effectiveness, quality, coherence, impact and sustainability of TLS activities, services, projects, programmes and policies
- n. Ensure that the revised TLS Strategic Plan has realistic and achievable targets, clear deliverables and SMART indicators
- o. Oversee the development and implementation of TLS Monitoring and Evaluation Systems (M&E matrix/framework, theory of change, an M&E plan and indicators)
- p. Supervise the collection of data on a regular basis to measure achievement against the performance indicators
- q. Review and clear M&E documents with input from other experienced experts the committee may decide to co-opt
- r. Prepare statistical analyses of key performance indicators and makes recommendations to address the issues identified
- s. Oversee the development of a comprehensive risk registry, in accordance with risk management methodology, to identify key risks for the TLS and strategies for risk mitigation.
- t. Ensure that TLS risk registry is regularly monitored and updated

COMPOSITION OF THE COMMITTEE

The Committee is composed of six members who were appointed by the TLS Governing Council. Currently, the Committee comprises of the following Members:

1. Christina Mdemu – Chairperson
2. Edna Kamaleki – Vice Chairperson
3. Barnabas Kaniki – Member
4. Ali Jamal – Member
5. Annamarie Mavenjina Nkelame
6. Amin Mshana
7. Seleman Pingoni – Secretary to the Committee

KEY COMMITTEE ACCOMPLISHMENT (JULY – DECEMBER 2023)

COMMITTEE MEETINGS

During the reporting period, the Committee held two meetings. The first meeting was held in August 2023. The main agenda during the meeting was to appoint the meeting vice-chairperson and review Committee ToR. The second meeting was held in October 2023 which received update on the implementation of TLS Strategic Plan.

REVIEW OF TLS RESULTS FRAMEWORK

Review of TLS Strategic Plan Results Framework is one of the significant activities the Committee accomplished during the reporting period. The review exercise was conducted to assess whether TLS results framework put stronger focus on outcome outlined in the strategic plan 2023 – 2025 and comprise SMART outcome statements, indicators and targets. From the review exercise, the Committee observed that there are too many

indicators and recommended cutting down number of indicators. The Committee also recommended to have in place an abbreviated version of TLS Strategic Plan that could be shared with multiple stakeholders.

DEVELOPMENT OF TLS WORK PLAN 2024

In December 2023, TLS M&E Committee held a working session to develop TLS Work Plan for the calendar year 2024. The work plan outlines TLS priority areas for calendar year 2024 including outputs, activities, officers and departments responsible for delivering the activities, financial resources required for delivering activities, and timeframe required to accomplish all the activities.

Dated at Dar es Salaam, this 31st day of December 2023.

E: REPORT OF THE NATIONAL CLE COMMITTEE

Introduction

The National CLE Committee act as advisory to the Governing Council and it has a mandate to support and assist the Council in development and implementation of Legal Education Program for Tanganyika Law Society as according to CLE Regulation. During the year 2023/2024 the Committee conducted various activities including;

S/N	Date	Activity conducted
1.	4 th -5 th July 2023	On 4 th through 5 th July 2023, the Chairperson of the Committee participated in the Compulsory Induction Seminar for the newly admitted advocates to the Bar on 6 th July 2023. During the induction seminar the Chairperson presented before the newly advocates about the Continuing Legal Education and duty of the advocate to continue imparting legal knowledge by attending seminars and training organized by the Law society and other professional bodies.
2.	15 th July 2023	Ordinary Committee Meeting -The Committee conducted its first Ordinary Meeting to discuss matters pertaining to the Continuing for Legal Education. During the meeting, one of the key activities that conducted was; <ol style="list-style-type: none"> 1. The appointment of the Committee Chairperson and the Vice Chairperson 2. Review and adopted the Committee Terms of Reference 3. Review and adopted the 2023 Annual CLE Calendar 4. Discussion on various activities to be conducted by the Committee for the year 2023/2024 including preparing for the Courtesy Visit program to Stakeholders and TLS partners, preparation of the CLE Guidelines
3.	5 th August 2023	Extra-Ordinary Meeting – The Committee conducted its Extra-Ordinary Meeting and discussed about the Diversity Conference. During the meeting the Committee had a chance to review the proposed Theme and topics for the Diversity Conference 2023. Through the Extra-Ordinary meeting Committee approved the proposed theme and CLE topics for the Diversity Conference.
4.	18 th November 2023	Second Ordinary Meeting - The Committee conducted its 2 nd ordinary Committee meeting. Among the key issues discussed and deliberated during the meeting was; Deliberation on the Governing Council Resolutions whereby the committee was given a task by the Governing Council to review the CLE points by including compulsory points percentage for seminars and for attendance of society's organized activities and events. On the issue of

		<p>CLE points percentage; during the meeting the committee recommended that it's important that, we conduct a study through the Wakili Database system to have data which will show the number of members who attained the CLE points by attending the seminars, and AGM, and the number of members who attained free CLE points. The aim of doing this is for the committee to get a clear picture of the participation of members in TLS activities before they come up with the recommendations/resolutions. Therefore, the committee directed the secretariat to conduct thorough research through the Wakili Database System, before its resolutions.</p> <p>Approval of the CLE Accreditation-During the meeting, the committee also approved the request for CLE Accreditation to members who attended training organized by other professional bodies.</p> <p>Review of the CLE Regulation-the committee had a time to review the CLE regulation and propose some of the key issues to be incorporated in the regulation including guidelines for conducting Online CLE seminars.</p> <p>Approval of the Remedial CLE seminars and the timeline to conduct the Remedial CLE seminars- during the meeting the Committee approved the proposed topics conducted during the remedial and the timeline to conduct the same.</p>
5.	29th November 2023	<p>On 29th November 2023, the Chairperson of the Committee participated in the Compulsory Induction Seminar for the newly admitted advocates to the Bar on 3rd July 2024. During the induction seminar the Chairperson presented before the newly advocates about the Continuing Legal Education and duties of the advocate to continue imparting legal knowledge by attending seminars and training organized by the Law society and other professional bodies.</p>
6.	17th February 2024	<p>Committee Working Session -On 17th February the committee conducted the Working session to review the CLE topics for the year 2024. The Committee reviewed all the proposed topics at HQ and Chapter Level. The aim of the Working session was to ensure that the topics are relevant by ensuring that all the topics meet all the needs of members at professional level.</p>
7.	7th June 2024	<p>Approval of the Pre- AGM CLE seminars On 7th June 2024 the Committee conducted an online meeting to review and discuss the proposed Pre-AGM Seminars. During the meeting, after satisfying themselves</p>

		<p>with the relevance of the topic's the committee approved the Pre- AGM seminars.</p> <p>Secondly, during the meeting the Committee also approved the CLE points to members following the request before the Committee from various Institutions and TLS Chapters.</p>
8.	27 th June 2024	<p>On 27th June 2024, the Chairperson of the Committee participated in the Compulsory Induction Seminar for the newly admitted advocates to the Bar on 1st December 2023. During the induction seminar the Chairperson presented before the newly advocates about the Continuing Legal Education and duties of the advocate to continue imparting legal knowledge by attending seminars and training organized by the Law society and other professional bodies.</p>



The National CLE Committee members in a working session to review and approve the 2024 Annual CLE Calendar. The Working session conducted on 17th February 2024 at TLS Wakili House, Dar es Salaam.



The Chairperson of the National CLE Committee Advocate Patrick Simon addressed the newly admitted advocate during the Compulsory Induction Seminar on 29th November 2023 at Wakili House.

Dated at Dar es Salaam, this 8th day of July 2024.

F: REPORT OF THE ASSOCIATION OF YOUNG LAWYERS

A MEETING HELD BETWEEN THE AYL AND THE PRESIDENT.

A meeting was held at TLS HQ between the President and AYL. The aim of the meeting was Introduction of AYL leadership to the president, whereas the AYL leaders had the opportunity to introduce themselves to the President so as to strengthen the relationship between them. Also, the meeting was held so as to strengthen the bond and the collaboration between the president and AYL leadership.

ESTABLISHMENT OF AYL ORGANOGRAM 2023/2024

AYL under the leadership of Edward Heche established the AYL organogram 2023. A chart which shows AYL leadership (AYL EXCOM) from the AYL zonal representatives to the AYL Chairperson. This chart shall be used to introduce AYL leadership at every AYL tenure.



AYL ORGANOGAM FOR THE YEAR 2023-2024

A COURTESY VISIT TO VARIOUS GOVERNMENT OFFICES

Various courtesy visits were made by the Association of Young Lawyers through its top leaders. AYL paid a courtesy call to the President of United Republic of Tanzania, Speaker of the National Assembly, Chief Justice, Chief Court Administrator and the Minister of ministry of Constitutional and Legal Affairs.





AYL DEBT

AYL had a debt towards TLS to the tune of 32,200,250/= Tanzania shillings in which through instalments and seminar deduction, TLS HQ paid the entire amount to AYL within few months. It was through AYL leader's dedication, determination and persuasion compelled TLS to pay the said debt and clear it.

APPOINTMENT OF YOUNG LAWYERS IN VARIOUS TLS COMMITTEE

AYL through its chairperson ensured that young lawyers are represented in various TLS committees.

Research, Publication and Editorial Board

Mr Nafikile Elly Mwambona

Junior Lawyers Professional Development

Mr Victor Kweka

Mr Claudio Msando

Ms Belinda Chepchumba

Legal Affairs and Access to Justice

Mr Franklin Yuredi Chondo

Members' Welfare, Advocate Renumeration

Mr Frednand Makore

Drafting Committee

Mr Aggrey Mwanri

Constitutional Reforms

Ms Christine Seena Millya

Advocates and Lawyers with disabilities

Ms Asha Ally Mwilawa

Mr Yusuph A. Yossi

Mr Mngumi Samadani Suedi

AYL EXCOM MEETINGS

AYL ExCom conducted several meetings both Physical and Online to discuss Young lawyer's affairs. In the said meetings several agenda were discussed such like CLE Issues, Revenue Collection, AYL Summit, East African Law Society, Signatory and Banking Issues.



ASSOCIATION OF YOUNG LAWYERS EXECUTIVE COMMITTEE AT DAR ES SALAAM

AYL SEMINARS CONDUCTED IN THE YEAR 2023/2024

Seminar Title	No of Participants	Name of Presenter	Mode of attendance	Amount Collected
Practice Fundamentals for Young legal Professionals in Tanzania. Learning from the Titans.	100	EALS	Physical	2,000,000
Mastering of Electronic Case Management Digital age: the New system of Judiciary.	546	JUDICIARY	Online	10,920,000
Professional Ethics for young Lawyers. Ethics as a tool for excelling in the practice of Law.	344	HON. FAUZ TWAIB	Online	6,880,000
Money Laundering & Terrorist Financing Risk Assessment by Lawyers and current position of plea-bargaining cases in Tanzania.	390	PROF. EDWARD HOSEAH	Online	7,800,000

Unveiling to master the nuts and bolts of the BRELA ORS: a dialogue between users and the Authority.	423	BRELA	Online	8,460,000
Applications of Work and Resident Permit. The use of system and Documentation in filing applications.	541	AZIZ KIRONDOMALA (IMMIGRATION)	Online	10,520,000
The Tanzania Tax Portal: the use of the system in filing returns.	317	MICHAEL MARERE	Online	6,340,000
Focused Market Approach: An efficient & ethical approach to business development for lawyers.	417	AMB. MWANAIDI MAAJAR	Online	8,340,000
The criminal procedure (Audio and Video recording of Interview with suspects) Rules, 2023. The practical and legal challenges	387	DR. TAISAMO	Online	8,430,000
Case Management: Dispute Resolution and Arbitration Process in Tanzania.	352	ADVOCATE MADELINE KIMEI	Online	7,040,000

THE AFRICA LAW TECH FESTIVAL 2023 IN KENYA

The Africa Lawtech festival 2023 “Digital Trade in Africa: then AfCFTA and the Single Digit Market”. Took place in Nairobi-Kenya in July 12-13. The Association of Young Lawyers in collaboration with the CEO of Tanzanian Associate Adv. Lucy Minde connected young lawyers to participate in the Africa lawtech festival. All TLS young lawyers who participated in the festival were fully facilitated by AYL, BE & E AKO also contributed 3 million Tanzanian Shillings and transportation for the young lawyers was facilitated by the Lawyers Hub organization Kenya upon the request and arrangement of AYL.



TLS young lawyers attending the Africa law tech in Nairobi Kenya

Lastly AYL participated in assisting our learned junior lawyer **HENRY NORMAN MWANGWALA** who encountered early signs of colon cancer and was going through chemotherapy every after 3 weeks. AYL paid 2M to top up the amount he had and contributions made by other advocates.

LEGAL OPINION

IN RESPECT TO THE INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE UNITED REPUBLIC OF TANZANIA AND THE EMIRATE OF DUBAI CONCERNING THE ECONOMIC AND SOCIAL PARTNERSHIP FOR DEVELOPMENT AND IMPROVING THE PERFORMANCE OF SEA AND LAKE PORTS IN TANZANIA DATED 25TH OCTOBER 2022.

Tanganyika Law Society is a professional body established by the Tanganyika Law Society Act, Cap. 307 R.E. 2002. As stated in Section 4 of the Act, the Society's aims include, among other things: aiding the Government, Parliament, and Courts in matters affecting legislation, administration, and practice of the law in Tanzania; representing, protecting, and assisting members of the Tanzanian legal profession in practice conditions and other areas; and protecting and assisting the Tanzanian public in all matters touching, ancillary or incidental to the law.

In addition, according to Article 27(1) of the Constitution of the United Republic of Tanzania, Cap. 2, R.E. 2002, every person has the duty to protect the natural resources of the United Republic, the property of the state authority, all property collectively owned by the people, and also to respect another person's property. Sub-article (2) obligates all persons by law to protect state authority's property and all property collectively owned by the people, fight against all forms of waste and squander, and manage the national economy diligently as people in control of their nation's destiny.

The Tanganyika Law Society is conscious of the public discourse around the ratification process and content of the the Intergovernmental Agreement (IGA) between the United Republic of Tanzania and the Emirate of Dubai concerning Economic and Social Partnership for the Development and Improving Performance of Sea and Lake Ports in Tanzania. Given the agreement's characteristics, possible impact, urgency, and sensitivity, on 7th June 2023, the TLS Governing Council assigned a team of specialists (*among its members*) to examine the IGA, which at the time was still pending before the Tanzanian Parliament for ratification. The IGA was ratified by the Parliament of the United Republic of Tanzania on 10th June 2023. Since then, the Tanzanian Government, Media, Civil Society, Faith-based organizations, Private Sector, and various other stakeholders have voiced their opinions on the IGA, leading to conflicting conclusions and general lack of consensus. When the TLS Governing Council nominated this team of experts, they were tasked with the following specific objectives: -

1. To dissect the proposed intergovernmental agreement between the United Republic of Tanzania and the Emirate of Dubai concerning economic and social partnership for development and improving the performance of sea and lake ports in Tanzania, dated October 2022.
2. To seek advice from relevant individuals who might provide additional insight to enhance the analysis, findings, and suggestions.
3. To conduct a comparative study on similar inter-governmental agreements in other jurisdictions, specifically those involving the Emirate of Dubai.
4. To submit a comprehensive analysis report with suggestions to the TLS Governing Council by 12th June 2023.

On 12th June 2023, the team of experts delivered their report to the Governing Council as per their mandate (*except for conducting a comparative study on similar inter-governmental agreements in other jurisdictions, specifically those involving the Emirate of Dubai*). The report was discussed and contemplated by the Governing Council, and is now intending to issue this legal opinion. `

1. TLS' OVERALL OBSERVATION ON PEOPLE-ORIENTED SUSTAINABLE INVESTMENTS

TLS recognizes and acknowledges the government's commendable initiatives to attract foreign investments and stimulate the national economy for the benefit of the country's prosperity. TLS fully supports all efforts that enhances national prosperity and rule of law. However, TLS urges the Government and the Parliament of the United Republic of Tanzania to consistently secure ample and extensive public involvement in the planning, discussion, and decision-making stages concerning national resources and such grand-scale investments in accordance with the Constitution of the United Republic of Tanzania, specifically Articles 8 and 9, and most notably, Article 21(2), which grants **every citizen the right and the freedom to participate fully in the process leading to the decision on matters affecting him, his well-being or the nation.**

TLS expresses concerns over the inadequate time allotted for stakeholder's engagement during the ratification of this Intergovernmental Agreement (IGA). Although the Parliament of the United Republic of Tanzania invited stakeholders to offer their feedback on the agreement on June 6th, 2023, the public hearing that followed was held on June 7th, 2023. This left many stakeholders unable to present their recommendations to the Parliament's Standing Committee due to the short notice. The limited time did not permit TLS to thoroughly scrutinize the IGA and provide a detailed legal perspective, as stipulated by Section 4 of the TLS Act – Cap. 307. We urge the Government and the Parliament to respect the legal provisions and regulations related to stakeholder engagement.

TLS notes that the Intergovernmental Agreement (IGA) was not well-drafted, leading to vagueness, doubts, ambiguities and diverse interpretations by different actors. Also, there are provisions/clauses that overlook, contradict or contravene the national interests, and we

suggest their total removal. These clauses could lead to disputes during the implementation of the IGA, subsequent HGAs, and Project Agreements. In view of this, TLS advocates for the active involvement of experts and stakeholders with specialized expertise to share their insights on crucial matters towards modifying the highlighted provisions. We stress on leveraging TLS experts and/or individual private advocates to aid our nation in negotiating and drafting significant investment agreements, ensuring better clarity, efficiency, and mitigating the risks of future investment disputes, which could be costly for our country.

In addition, we strongly propose substantial revisions to the Tanzanian legal framework on procedures for ratifying international agreements. The Parliamentary Standing Orders (June 2020) paragraph 108 should be amended to bolster the Parliamentary role in ratification processes. TLS requests that the Standing Orders be amended to mandate an adequate timeframe within which stakeholders can comprehensively analyze the agreements and submit their recommendations to the relevant Parliamentary Committees for national interests.

2. TLS' TECHNICAL FEEDBACK PERTAINING TO THE INTERGOVERNMENTAL AGREEMENT (IGA)

2.1 LEGALLY BINDING AREAS OF COOPERATION

- 2.1.1. **Provision:** Article 2 of the IGA establishes a legally binding framework of areas of cooperation focusing on the development, improvement, management, and operation of sea and lake ports, special economic zones, logistics parks, trade corridors, and other related port infrastructure. It also includes areas like capacity building, knowledge transfer, and skills development, technology transfer, strengthening training institutions, and supporting market intelligence.
- 2.1.2. **TLS Observation:** Some stakeholders, as observed by TLS, believe that Article 2 of the IGA suggests that Tanzania is restricted from negotiating agreements with other entities regarding the development of ports along the Indian Ocean coast and Lakes Tanganyika, Victoria, Nyasa, and others. This interpretation has led to the perception among some members of the public and stakeholders that this clause hinders Tanzania's ability to collaborate with other parties.
- 2.1.3. **TLS Recommendations:** TLS advises that the IGA's clauses be considered in conjunction. In this context, Article 2, when read in conjunction with Article 4(2) and Article 5(1) of the IGA, grants exclusive rights to DP World pertaining only to the projects outlined under Appendix-1 Phase 1. Moreover, such exclusivity is capped at 12 months from the IGA's signature date, provided that DPW or its affiliates reach an agreement with the Tanzania Ports Authority (TPA) within these 12 months or fail to

do so, whichever is earlier. Regarding projects not listed in Appendix-1 Phase 1, there is no exclusivity, and Tanzania retains the right to engage with investors other than DP World. This interpretation aligns with Article 4(2)'s mandate for Tanzania to inform Dubai about any other opportunities (presumably in Appendix-1 Phase 2) related to free zones and logistics sectors in Tanzania, enabling Dubai entities to express interest and submit proposals. TLS suggests that Article 2 should be modified for clarity, stating that the outlined areas are not exclusive to DPW except for the projects listed in Appendix-1 Phase 1. This would ensure the full meaning of Article 2 is understood without necessarily referring to Article 5(1) and 4(2) of the IGA.

2.1.4. **Basis for TLS Suggestions:** As it stands, Article 2 of the IGA can be interpreted broadly, potentially disadvantaging the interests of the United Republic of Tanzania. Article 9(j) of the United Republic of Tanzania's Constitution requires that economic activities do not result in wealth concentration or the monopolization of significant production means in the hands of a few.

2.1.5. **Anticipated Impact of the Issue on Our Country:** If this provision remains unamended, it could lead to differing interpretations by each party, thereby potentially sparking trade/investment disputes. Should DP World adopt a broader interpretation, the IGA could result in unforeseen adverse impact affecting other ports within the United Republic of Tanzania.

2.2. DISPUTE RESOLUTION

2.2.1. **Provision:** Article 20 lays out a mechanism for dispute resolution through arbitration.

2.2.2. **TLS Observations:** TLS believes that the arbitration process outlined in Article 20 of the IGA is lengthy process. The provisions in Article 20 state that any arising dispute related to the IGA should be amicably resolved by the parties, either through diplomatic channels or the IGA Consultative Committee established under Article 3 of the IGA. If the dispute isn't resolved within 90 days, the aggrieved party may declare a dispute, after which the process of appointing arbitrators and a chair begins. The appointment process alone could take up to 90 days if the two arbitrators fail to agree on a third arbitrator, who would act as chair, necessitating referral to the Secretary General of the Permanent Court of Arbitration seated in the Hague.

- 2.2.3. **TLS Recommendations:** The time span before making an arbitration request is excessively long. The parties should consider reducing this pre-request period. TLS recommends that the combined period of amicable resolution and pre-request before starting dispute resolution proceedings should not exceed 90 days.
- 2.2.4. **Basis for Recommendations:** TLS draws attention to the decision in *Manufacturer v Manufacturer, Final Award, ICC Case No. 8445, 1994*,¹ where it was stated that:- *"Arbitrators believe that a clause calling for attempts to settle a dispute amicably are primarily expressions of intention, and should be viewed in light of the circumstances. They should not be applied in a way that obliges parties to engage in fruitless negotiations or to delay an orderly resolution of the dispute. Accordingly, the arbitrators have determined that there was no obligation on the claimant to carry out further efforts to find an amicable solution, and that the commencement of these arbitration proceedings was neither premature nor improper."*
- 2.2.5. **Anticipated Impact of the Issue on Our Country:** If this provision remains unamended, it could lead to extended dispute resolution processes. Meanwhile, the opposing party may continue business operations during this prolonged period, potentially detrimental to the interests of the affected party. Tanzania should steer clear of any dispute settlement mechanism that is susceptible to potential delays or fruitless negotiations.

2.3 AGREEMENT'S GOVERNING LAW

- 2.3.1. **Provision:** Article 21 of the IGA states the governing law clauses. The IGA stipulates that is governed by English Law, while the Host Government Agreements (HGAs) and Project Agreements are governed by Tanzanian laws. Concurrently, Article 25 (3) states that the IGA's provisions will apply to all Project Activities as defined in Article 1, including those undertaken before the IGA or the relevant HGAs take effect. Article 17 mandates that labor rights and occupational health are governed by Tanzanian laws, and Article 18 mandates that taxes, charges, and duties are governed by Tanzanian laws.
- 2.3.2. **TLS Observations:** TLS considers that Article 21 presents conflicting governing laws (English law vs. Tanzanian Law). For instance, it is common to have loan

¹ Albert Jan Van Den Berg (ed), Yearbook Commercial Arbitration 2001 – Volume XXVI, Yearbook Commercial Arbitration, Volume 26 (© Kluwer Law International; ICCA & Kluwer Law International 2001) pp 167 – 18

agreements governed by laws other than Tanzanian law, but it is impractical to apply English law to land rights, investment incentives, environmental and occupational health issues, safety and security rights, labor and local content issues, tax matters, technical requirements, government permits, renewal rights for permits or licenses, or against the suspension or revocation of permits or licenses. The Project Company cannot be subjected to both Tanzanian and English law on the same matters.

- 2.3.3. **TLS Recommendation:** TLS proposes that Article 21 be revised for the reasons mentioned above. Article 21 should state that the IGA is governed by Tanzanian Law. This can be realized through Article 22 of the IGA, once the ratification process is completed by exchanging the instruments for ratification as per Article 25(4).
- 2.3.4. **Basis for TLS Recommendations:** The IGA states that the applicable laws are English Law and Tanzanian Laws, which presents an issue because the agreement does not define the limit or scope of these laws' application. The agreement bestows rights to parties regarding Land Rights. Notably, the English Law and Tanzanian law differ on this matter - in Tanzania, a foreigner cannot own land as provided for by the Land Act, except when a foreigner possesses land for investment purposes via the Tanzania Investment Center (*as per the Land Act and Investment Act*) section 20(1) of Land Act Cap 113 RE 2019 and Section 17(2) of the Tanzania investment Act Cap 26 of 1997 RE 2019. In contrast, English law does not impose similar restrictions on foreigners owning land as is the case in Tanzania.
- 2.3.5. **Anticipated Impact of the issue on Our Country:** If this provision remains unamended, it could lead to a conflict of applicable law, where the IGA, as an Umbrella framework, would be governed by a different law from the HGAs. Applying English law to issues like land rights, investment incentives, environmental and occupational health, labor, safety and security rights in Tanzania would not be possible. The Project Company cannot be governed by both Tanzanian and English law on the same matters.

2.4 IGA AMENDMENTS

- 2.4.1 **Provision:** Article 22 of the IGA stipulates that amendments to the IGA can be made at any time in writing through mutual agreement of the State Parties. Additionally, it establishes that no amendment will take effect without the agreement, signified by signature and ratification and/or adoption of the appropriate documentation, by the State Parties.

- 2.4.2 **TLS Observations:** TLS notes that the IGA provides for amendments through Article 22. However, the article unusually mandates that amendments can only be proposed after the IGA has been ratified and the instruments of ratification have been exchanged. The IGA comes into force only after the exchange of the ratification instruments (Article 31). TLS finds it peculiar and highly risky that the IGA only allows the parties to make amendments after the fact. Article 22 is also silent on the timeline for decisions on IGA amendments. The Agreement should have clearly specified the timeline, following the receipt of an amendment proposal by one Party, within which the Parties will agree on and establish a schedule for processing and taking final action on the amendment proposal.
- 2.4.3 **TLS Recommendations:** Given the seriousness and magnitude of the anomalies and the areas requiring changes as outlined in this document, TLS recommends that the Government of Tanzania immediately leverage Article 22 to address them. Article 22 should also be amended to include timelines for decisions on IGA amendments. TLS suggests that the total period for the Parties to agree on and establish a schedule for processing and finalizing the amendment proposal should not exceed 30 days.
- 2.4.4 **Basis for TLS Recommendations:** The severity and seriousness of the anomalies identified in various provisions of this IGA as detailed in this opinion document.
- 2.4.5 **Anticipated Impact on Our Country:** If the provisions with anomalies are not amended, TLS is concerned that the IGA will be enforceable despite its anomalies. Once ratified, the IGA becomes binding to the parties, and an amendment can only succeed if the parties reach a mutual agreement. Otherwise, the IGA will be operational as ratified, potentially to the detriment of the aggrieved party.

2.5 DURATION AND CONCLUSION OF THE AGREEMENT

- 2.5.1. **Provisions:** Article 23 (1) outlines two scenarios for termination: (i) a complete halt to all Project Activities; or (ii) the expiration of all HGAs and all Project Agreements (accounting for any additions or extensions) and decisive dispute resolutions, if any. Moreover, Article 23(2) covers the case where an HGA is prematurely terminated, and suggests extending such agreement to enable the party or Project Company to assert its rights and protect accrued rights. Article 23(3) states that the IGA can only be terminated with the other party's consent, which should not be unreasonably withheld. Article 23(4) declares that the State Parties

are not allowed to denounce, withdraw from, suspend, or terminate this Agreement under any circumstances, including material breach, fundamental changes of circumstances, severance of diplomatic or consular relations, or any other causes recognized under international law. However, any disputes arising under such circumstances between State Parties should be handled following the stipulations of Article 20 of this Agreement.

- 2.5.2. **TLS Observations:** Article 23(1) of the IGA, which ties the agreement's lifespan to the existence of the related investments, is largely standard for an overarching investment-related agreement like the IGA, implying termination restrictions. Bilateral Investment Treaties (BITs) often have a fixed term subject to renewal. If there is a set duration, the investor will aim to include a clause that extends the agreement beyond its expiry date with respect to current investments if the agreement is not renewed. TLS questions why Article 23(2), which deals with an HGA being prematurely terminated, shouldn't be omitted from the IGA and instead included in the HGAs. TLS expresses serious concern about Article 23(3), which indicates that the IGA can only be terminated with the other party's consent. This type of binding could lead to negative consequences for a party wishing to end the agreement. Even though the IGA mentions that a party shouldn't unreasonably withhold consent, this could be damaging where the IGA imposes termination restrictions even in the case of a significant adverse breach. TLS believes that this Article doesn't align with Tanzania's interests or the dispute resolution process.

Furthermore, TLS considers Article 23(4), which prevents the State Parties from denouncing, withdrawing from, suspending, or terminating this Agreement under any circumstances, as inappropriate and inalterably biased. If there is a significant adverse breach, Tanzania wouldn't be able to terminate the IGA except through Article 23(3), which requires the consent of the other party. Articles 23(3) and 23(4) are highly unusual as they restrict corrective actions. Nevertheless, they allow for arbitration if there's a dispute, as per Article 20, although the process is unusually lengthy.

- 2.5.3. **TLS Recommendations:** strongly advises that Articles 23(3) and 23(4) of the IGA be completely discarded. Additionally, TLS recommends that the IGA should only retain the provisions of Article 23(1) and 23(2). The agreement, entered into freely by the parties, should allow either party to terminate it, provided that a previously agreed notice period is given to the impacted party. TLS suggests a notice period of 30 days or slightly more for termination. Moreover, the phrases in Article 23(1), "permanent cessation of all project activities" or "expiration of all the HGA and all Project agreements and definitive resolution of disputes," are too broad and should be reconsidered in the best interest of both parties.

- 2.5.4. **Basis for TLS Recommendations:** Tanzania is a signatory and member of the Charter of Economic Rights and Duties of States,² Tanzania's fundamental purpose is to promote a new international economic order based on equality, sovereign equality, interdependence, common interest, and cooperation among all states, regardless of their economic and social systems. Article 2(2) allows each state to regulate foreign investment within its national jurisdiction in line with its laws, regulations, objectives, and priorities. The IGA provisions shouldn't be interpreted to limit Tanzania's rights to regulate or, in a worst-case scenario – withdraw or denounce the agreement in a way that is compatible with its domestic and international laws.
- 2.5.5. **Anticipated Impact of the Issue on Our Country:** Should this provision not be amended, one party could invoke the IGA provisions to make termination untenable and impossible. A perpetual agreement, despite material breaches, fundamental changes of circumstances, or severance of diplomatic relations, poses a risk to the interests and security of the United Republic and its people.

2.6 EFFECTIVENESS PRIOR TO AGREEMENT AND IMPLEMENTATION

- 2.6.1. **Provision:** Article 25 (1) compels Tanzania to swiftly "implement administrative and regulatory measures after signing the IGA to ensure that "Early Project Activities" can be legally conducted by/and on behalf of one or more investors or the Project Company". Early Project Activities are defined in Article 1 of the IGA as any Project Activity initiated prior to the final investment decision concerning the Project, particularly the technical work essential for the front-end engineering design related to the initial stage of system design, construction, and development.
- 2.6.2. **TLS Observations:** The expenses for Early Project Activities and the potential liability to a host party if ratification is denied could be substantial. Article 25(1) legitimizes contracts for Early Project Activities made before ratification under the IGA. It's unclear whether any Early Project Activities have been carried out under the IGA. It is uncommon for an agreement, which necessitates ratification, to have a significant provision within it being effective before the agreement is ratified
- 2.6.3. **TLS Recommendations:** TLS suggests removing all references to early project activities from the IGA. TLS assumes there's an existing legal document governing such early project activities, which should be sufficient as a standalone legal and binding document.
- 2.6.4. **Basis for TLS Recommendations:** It is unusual for an agreement, which requires ratification, to have a substantial provision in it that becomes effective before the

² GA Res. 3281(xxix), UN GAOR, 29th Sess., Supp. No. 31 (1974) 50

agreement is ratified. Given that IGA repeatedly uses the term "State parties", TLS wants to reference Articles 12 (2) (b), 10, and 18 of the Vienna Convention on the Law of Treaties 1969:

A representative can sign a treaty ad referendum, meaning the signature is only valid once confirmed by his state. In this case, the signature becomes definitive when it is verified by the relevant authority - in this context, the Parliament of the United Republic of Tanzania.³

Furthermore, where the signature is subject to ratification, acceptance, or approval, it does not establish the consent to be bound. Instead, it is a means of authentication and communicates the willingness of the signatory state to proceed with the treaty-making process. The signature qualifies the signatory state to proceed to ratification, acceptance, or approval. It also creates an obligation to abstain, in good faith, from actions that would defeat the treaty's objectives and purpose.⁴

- 2.6.5. **Anticipated Impact of the Issue on Our Country:** Making a substantive provision in the IGA effective before the agreement is ratified imposes an obligation on the Country. Moreover, permitting the initiation of the execution of part of the IGA (Early Pre Project-Activities) without specific project agreements may expose our Country to undesired investment disputes and potential losses. Also, it deprives the Parliament of the United Republic of Tanzania of the chance to prevent, in good faith, actions that would undermine the objectives and purpose of the IGA.

2.7 NON-CONFLICT COMMITMENT (PARTIES' RIGHTS TO ENGAGE IN OTHER INTERNATIONAL AND DOMESTIC OBLIGATIONS)

- 2.7.1. **Provision:** Article 27 stipulates that each state party ensures and guarantees that, upon this agreement's effectiveness and all relevant enabling legislation, it won't be involved in any domestic or international agreement or commitment, or legally obliged to comply with or enforce any domestic or international law, regulation, or agreement, that clashes with or to implement this Agreement or the pertinent HGA and any Project Agreement to which such State Party is a participant.
- 2.7.2. **TLS Observations:** We find that the non-conflict obligation extends to future HGAs and Project Agreements. Article 27 of the IGA peculiarly obligates Tanzania not to be part of any domestic or international agreement or commitment, or legally required to observe or enforce any domestic or international law, regulation or

³ [Art.12 (2) (b), Vienna Convention on the Law of Treaties 1969]

⁴ [Arts.10 and 18, Vienna Convention on the Law of Treaties 1969]

agreement, that contradicts or to initiate or execute the Agreement or the relevant HGA and any other Project Agreement to which such Party is involved.

- 2.7.3. **TLS Recommendations:** TLS advises modifying Article 27 to limit the non-conflict commitment only to the IGA because a non-conflict obligation's purpose is to ensure parties disclose contractual or statutory duties that might obstruct or restrict the party making the commitment from fulfilling its responsibilities under an agreement once the agreement is finalized and effective.
- 2.7.4. **Basis for TLS the Recommendations:** The scope of Article 27 is unacceptable as it extends the commitment to future Project Agreements and HGAs. This poses issues as it potentially exposes Tanzania to liabilities for unintended violation of Article 27. The HGAs and Project Agreements will include clauses addressing non-conflict. There is no necessity to extend the non-conflict commitment to HGAs and Project Agreements. Chapter 1 of the Charter of Economic Rights and Duties of States⁵ outlines the principles of international economic relations. The Charter mandates that economic, political and other relations among States should be governed, among other things, by the following principles: (a) Sovereignty, territorial integrity, and political independence of States. Subjecting the United Republic to unknown future contractual conditions is unusual and might compromise the economic independence outlined in the Charter.
- 2.7.5. **Anticipated Impact of the Issue on Our Country:** The Country is prematurely compelled to represent and warrant that upon the effectiveness of the HGAs and Project Agreements, the terms and conditions of which are yet to be established and enforced, it won't be involved in any domestic or international agreement or commitment, or legally obliged to observe or enforce any domestic or international law, regulation, or agreement that contradicts or to initiate or execute the relevant HGA and any Project Agreement to which our Country is a party.

2.8 CAPACITIES OF THE STATE PARTIES AND THEIR SIGNATORIES

- 2.8.1. **Provision:** Article 28 of the IGA outlines the capacities of the state parties and their signatories.
- 2.8.2. **TLS Observations:** TLS has identified several irregularities in this Article. The title of the Article refers to state parties. This, under international law, specifically the Monte Video Convention of 1933, clarifies the definition of a state.⁶ TLS believes

⁵ GA Res. 3281(xxix), UN GAOR, 29th Sess., Supp. No. 31 (1974) 50

⁶ Montevideo Convention on the Rights and Duties of States; Done at: Montevideo; Date enacted: 1933-12-26; In force: 1934-12-26: - Article 1 The state as a person of international law should possess the following qualifications: a permanent population; b. a defined territory; c. government; and d. capacity to enter into relations with the other states.

that on behalf of the United Republic of Tanzania, the Signatory possesses the legal capacity to sign the agreement as a State party.

However, TLS has observed that various entities have expressed concerns regarding the international legal status of the Emirate of Dubai. TLS is unable to form an opinion on the status of the Emirate of Dubai until it has sought a legal opinion from a competent Dubai entity. Such an opinion should clarify issues such as whether the Emirate of Dubai qualifies as a state under international law or belongs to the United Arab Emirates; whether the reference to state parties is correct or not; whether the preamble's reference to the Emirate of Dubai as a state party is legally correct; whether the signatory on behalf of the Emirate of Dubai can bind a state to an international agreement and whether the omission of the name and title of the Dubai agent's witness is proper. At this time, TLS cannot definitively comment on the compliance with the provisions of Article 28.

- 2.8.3. **TLS Recommendations:** TLS believes that if any doubts arise concerning Article 28 of the IGA, a separate legal opinion should be procured from a Dubai entity that is well-versed in Dubai laws.
- 2.8.4. **Basis for the TLS Recommendations:** TLS recommendations are rooted in the fact that the Parliament of the United Republic of Tanzania is authorized by Article 63(3)(e) of the Constitution of the United Republic of Tanzania to ratify international agreements which require ratification.
- 2.8.5. **Anticipated Impact of the Issue on Our Country:** - Unless the above issues are professionally resolved at an early stage, the legal status and binding nature of this Intergovernmental Agreement between the United Republic of Tanzania and Emirate of Dubai could become a subject of future dispute under international law.

2.9 STABILITY CLAUSE

- 2.9.1. **Provision:** Article 30 stipulates that Tanzania will implement the required legal modifications to foster a favorable investment environment. The parties concur that the legal and contractual framework relating to the Project will be stabilized in a way that is comparable and satisfactory to the parties, the Project Company, and that such satisfaction's details will be agreed upon between DPW and TPA and reflected in the HGAs.
- 2.9.2. **TLS Observations:** TLS considers that this provision, which calls for the enhancement of Tanzania's investment legal infrastructure, may have positive impacts on Tanzania. TLS, however, is concerned with the phrasing of the Article that requires the Project to be stabilized in a way that is comparable and satisfactory to the parties and the Project Company. It is also widely known that the existing legal environment across all sectors does not favor private or PPP investments, including the PPP law. Most businesses

operate based on the political leadership's commitment to enhancing the investment conditions. TLS notes that the investment policy hasn't been altered, but what has changed are the laws that impede investments. These laws largely remain intact. That's why the TLS leadership, during a courtesy call to the President (Her Excellency Dr. Samia Suluhu Hassan) in 2021, suggested that a comprehensive overhaul of the legal and regulatory framework affecting investments, including the criminal justice system, should be prioritized. A piece-by-piece approach doesn't allow for stakeholder input into the reforms. Furthermore, TLS acknowledges the Stabilization Clause in the IGA, HGA, and other international investment agreements as a way for foreign investors to mitigate or manage the political risks associated with their projects, and for the Host Country to attract investors. TLS also recognizes various types of stabilization clauses, the most common being: the Freezing clause, the Economic equilibrium clause, and the Hybrid clause. The current IGA between the United Republic of Tanzania and the Emirates of Dubai has chosen a freezing clause. However, TLS believes a Hybrid clause would have been ideal and beneficial for the Tanzanian people, offering a balanced arrangement between the two parties. TLS also noted that the Stabilization clause under Article was open-ended without being limited to any specific fiscal terms or specific timeframe. TLS believes that an open-ended stabilization clause may have serious impact on our country's tax policy and regime in the future.

- 2.9.3. **TLS Recommendations:** TLS suggests that Article 30 be reworded to eliminate interpretational ambiguities that could lead to future disputes. TLS further recommends that the government undertake comprehensive legislative and regulatory reforms sector-wise, taking cues from the Business Environment Strengthening for Tanzania (BEST) Program. In this context, Article 30 should be revised to incorporate a Hybrid stabilization clause. The application of the stabilization clause should be confined to specific fiscal terms and a particular timeframe to mitigate its impact on our tax policy and administration.⁷
- 2.9.4. **Reasons for the Recommendations:** The most harmful type of stabilization clause is the freezing clause, which aims to freeze the law pertaining to the investment for as long as the concession is active. As a result, no provision in the current IGA agreement can be superseded by the exercise of state privileges without the explicit consent of the investor. Other types of stabilization clauses include economic equilibrium and Hybrid clauses that aim to maintain the economic balance between the parties at the time of contract's signing. Rights arising from stabilization clauses are frequently upheld by tribunals in investor-state arbitration, often resulting in a finding of a breach and leading to an obligation on the host state to compensate the investor.⁸
- 2.9.5. **Potential Consequences for Our Country:** A freezing clause might inhibit the Government of the United Republic of Tanzania from implementing necessary actions

⁷ OECD (2019). *Guiding principles for durable extractive contracts*.

https://www.oecd.org/dev/Guiding_Principles_for_durable_extractive_contracts.pdf

⁸ *Texaco v Libya* (1978) 17 ILM 1; *Aminoil v Kuwait* (1981) 21 ILM 976; *Societe des Mines de Loulo S.A. (Somilo) v. Mali*, ICSID Case No. ARB/13/16.

to safeguard citizens' rights and enforce national laws that apply elsewhere in the country. Excessive preferential treatment may discourage competition and deter local investors. StabilisationStabilization clauses, particularly Freezing and Economic equilibrium clauses, are criticized by Amnesty International as they exempt foreign investors and their projects from complying with human rights laws.

3. CONCLUSION

To sum up, TLS will keep monitoring the implementation of its recommendations to provide basis for its future interventions as may deem just and necessary. TLS has realistic expectation that these recommendations will receive the requisite attention from the relevant authorities. We reiterate our pledge to aid in shaping the United Republic of Tanzania into a thriving nation where every individual is accorded freedom, justice, fraternity, and peace.

MAY GOD BLESS TANZANIA.

ISSUED BY THE GOVERNING COUNCIL OF TANGANYIKA LAW SOCIETY

Dated at Dar es Salaam this 25th June, 2023.

Harold Sungusia

TLS President – 2023/2024

24TH November, 2023.

TO: THE TANGANYIKA LAW SOCIETY GOVERNING COUNCIL

**RE: LEGAL OPINION ON THE LEGALITY OF THE COMPOSITION OF THE
ADVOCATES COMMITTEE**

A. GENESIS.

1. This legal opinion is traced back to the arbitrary suspension journey of the learned Senior Counsel Mpale Mpoki by the chair of the National Advocates Committee whilst on his duties as defense advocate for counsel Boniface Mwabukusi against professional misconduct allegations preferred by the Hon. Attorney General before the National Advocates Committee on 14th July, 2023. It can significantly be noted that alleged charge when made broke the internet in the legal fraternity in the country, awakening the TLS Governing Council who then appointed the Senior Counsel Mpale Mpoki together with Senior Counsel Dr. Lugemeleza Nshalla as counsel for the accused Advocate Mwabukusi.
2. On 20th day of November, 2023 when the matter was scheduled for hearing and disposal of the preliminary objections on points of law which were earlier on raised, the lead counsel Mpale Mpoki leading a team of another 8 advocates argued in support of the preliminary objections orally for a couple of hours. Nevertheless, the reply submission by the state attorneys and rejoinder therefrom were made in order.
3. Upon deliberations by the Advocates Committee, the Chairman of the impugned committee Hon. Judge Ntemi Kalikamajenga speaking on behalf of the members forming a quorum, in a less than twenty minutes overruled and dismissed the preliminary objections on points of law, however, admittedly, some were partly sustained, although the sustained objections were noted to be inconsequential with the matter beforehand.
4. Such a refute ruling, dismantled the accused advocate, who informed his counsel of his dissatisfaction of the outcome and, then of his intention to appeal. Senior Counsel Mpale Mpoki being well guided by the provisions of section 24A of the Advocates Act, [Cap 341 R.E 2019] which allows an aggrieved party to exercise his right of appeal against the proceedings of the Committee at any stage notified the Committee as such. Such a polite but professional notification by the counsel is said to have not amused the presiding chairman who without seeking approval from other members, solely suspended the learned Senior Counsel Mpale K. Mpoki summarily from the legal and private bar practice for a period of six months allegedly over disciplinary conducts.
5. Following this unprecedented insensitive order, the TLS Governing Council, in terms of regulation 14(2) of the Tanganyika Law Society (Council) Regulations, GN No. 599 of 2022 summoned its members for extraordinary meeting settings which after their deliberations, resolved on various matters, including assigning the Member Welfare,

Awards and Remuneration Committee to *advise the Council on legality of the composition of members of the Advocates Committee. Aiming at avoiding conflict of interests; removing all possibilities for a complainant being a judge in his own case; and providing for a better and fair mechanism of regulating the advocates in accordance with the principles of natural justice, rule of law, good governance and international law on independence of bar associations.*

6. On the above accounts, and subject to the factual narrations, the Members Welfare, Awards and Remuneration Committee, likewise extraordinarily convened on 22nd day of November, 2023 in response to the assignment, and as such, the following is an informed opinion.

B. THE LEGAL POSITION.

a. Jurisdiction of the Advocate Committee.

7. In our settings, we found it plausible to ascertain the jurisdiction of the Advocate Committee before we could venture into its composition. In terms of section 13 of the Advocates Act, CAP 341 R.R 2019 the jurisdiction of the Committee is stated, whereas the Committee shall have such powers to hear and determine the application by an **advocate who wishes to procure the removal of his names from the Roll** of advocates, to hear and determine the application **by any person to remove the names of any advocate from the Roll** of advocates and to hear and determine **any allegation of misconduct made against any advocate by any person.**
8. In above provision, we gathered that, the mandates of the Advocates Committee to receive claims
9. are of two-fold. One, through an application and two by a complaint. Once the claim is made through an application such a claim must either be made by an advocate to procure the removal of his name from the Roll of advocate for various reasons or may be made by any person to remove the name of an advocate from the Roll on grounds of misconduct. But if the claim involves some allegations of misconduct other than removal of the names of an advocate from the Roll, then a claim of such nature must be made by way of a complaint.
10. We find comfort of our reasoning based on the provisions of rule 4 of the Advocates (Disciplinary and Other Proceedings) Rules, GN Number 120 of 2018 which has categorically provided for the two ways in filing the claims before the Committee. If a claim relates with removal of the names from the Roll, the applicant has to file a formal application in Form No. 1 of the First Schedule of the Rules, and if a claim relates with an allegation of misconduct, the complainant is legally required to file a complaint in the same Form number 1 of the First Schedule of the same Rules indicating the '*complaint*' in the form.
11. The jurisdiction of the Committee is limited in determining the affairs of the advocates. The Committee has no jurisdiction to entertain any other business other

than the business touching the affairs of the advocates. It thus, demanded our minds to quickly peruse on the definition of an advocate. Section 2 of the Act, defines the term advocate, the provision reads;

“means any person whose name is duly entered as an advocate upon the Roll”.

12. The word Roll is also defined in the same section to mean ***the list of advocates kept in accordance with the provisions of Part IV***; part IV deals with Rolls of Advocates which include admission of advocates into the Roll. As such, the Committee is clothed up with the requisite jurisdiction to hear and determine matters only on proof that the name of the advocate under scrutiny is kept in the Roll of advocates.

b. The National Advocates Committee mandate on Private Bar versus Public Bar.

13. The definition as accorded under section 2 does not discriminate the status of an advocate, it explicitly considered only the name of the advocate in the Roll. Whether the particular advocate is practicing law under the private bar association or public bar settings serves no significance when the jurisdiction of the Committee is statutorily invoked.

14. On the same footing, it can fairly be concluded that the disciplinary authority of the advocates whose names are kept in the Roll is the Advocate Committee regardless of the status of the advocate in particular. The quick question which triggered our minds in the course of our discussions, was whether a law officer, state attorney and/or a legal officer who works in the public office can be tried by the Committee when his conducts are subject to allegations if there is sufficient proof that his name is in the Roll as per section 2 of the Act?

15. Our reading of the laws obtaining in this jurisdiction have informed us on the prerequisites pertaining to professional misconduct by a law officer or state attorney. The provision of section 7(e) of the Office of Attorney General (Discharge of Duties) Act, [Cap 268 R.E 2019] establishes the Deputy Attorney General as the disciplinary authority of the law officer and/or state attorney working under the office of the Attorney General. In this regard, it is the Deputy Attorney General with jurisdiction to hear and determine the disciplinary cases falling under the law officers and state attorneys working in the office of the Attorney General.

16. In regard to other law officers or state attorneys working in public offices other than the office of the Attorney General, the law is quite clear via the Written Law (Miscellaneous Amendments) Act No. 2 of 2018. Through these amendments, the Office of Attorney General (Discharge of Duties) Act was tremendously amended in a number of its provisions. Section 86 of the Amendments Act, amended the provision of section 27 of the principal Act by introducing the Code of Ethics to law officers and state attorney in public service. In this provision, the disciplinary authority of the law officers and state attorneys working in public service is their respective employers. For

example, if a law officer is working in the Ministerial office, then his disciplinary authority in terms of regulation 35(2)(b) of the Public Service Regulations, GN Number 444 of 2022 is the Permanent Secretary of the respective ministry.

17. It worth to note at this juncture, however, that, the Attorney General, in likes of section 86 (3) of the Amendments Act, has powers at his discretion to refer some of the allegations of professional misconduct by a law officer or state attorney to the Advocates Committee for trial. The provision reads;

“Notwithstanding the Public Service Regulations, the Attorney General may refer allegations of professional misconduct against a Law Officer or a State Attorney to the Advocates Committee”.

18. Subsection (5) of section 86 of the Amendments Act, introduces the Chief Justice to make rules for better carrying out of referrals to Advocates Committee by the Attorney General. It is imperative to state here that the said rules have not been enacted and thus, not in place. In our settled views, we find convincing that in absence of the rules, the Attorney General cannot exercise his discretionary powers conferred to him by the above provision in referring allegations of professional misconduct to the Advocate Committee.

19. In the premises, it safe to remark that, since the Law officers and State attorneys working in the office of Attorney General are subjected to the Deputy Attorney General as their disciplinary authority to deal with their professional misconducts in terms of section 7(e) of the Office of Attorney General (Discharge of Duties) Act, while the disciplinary fates of all other law officers and state attorneys working in public service are delt with their respective employers as per section 86 of the Written Law (Miscellaneous Amendments) Act No. 2 of 2018 reading together with regulation 35 of the Public Service Regulations, GN Number 444 of 2022, and since the Chief Justice has not enacted the rules in facilitation of the referrals to the Advocates Committee, it is our findings that the Advocates Committee has no jurisdiction to hear and determine allegations of professional misconduct by law officers and/or state attorneys.

20. Our above findings are true in respect of ***lex specialis doctrine***, sometimes referred to as ***generalia specialibus non derogan*** to mean, the general does not derogate from the specific. The doctrine implies that if two laws govern the same factual situation, a law governing a specific subject matter (*lex specialis*) overrides a law governing only general matters (*lex generalis*). On this account, since the Advocates Act is a general law in regard to professional misconduct, then it is a specific law which supersede under the circumstances. In our informed views, the Public Service Regulations and the Office of Attorney General (Discharge of Duties) Act together with its amendments are specific laws under the circumstance of this matter.

21. Therefore, if the Advocates Committee has no express jurisdiction to condemn advocates from the public bar association, then, it is designed to deal with only advocates in private bar settings or in other words, the Committee is stringently dealing with the advocates from the private legal practice. This conclusion sends us to visit its composition.

c. Composition of the Committee.

22. The provision of section 4(1) of the Act, establishes the Committee with its composition. It consists, a Judge of the High Court of the United Republic nominated by the Chief Justice. The Attorney General or Deputy Attorney General or the Director of Public Prosecutions. And a practicing Advocate nominated by the Council of the Tanganyika Law Society.

23. The composition as set forth in the above provision speaks a lot. Technically, the composition of the Committee consists of only three members wherein one comes from the judiciary, government and private bar association respectively. It is significant to note that during the proceedings of the Committee, the participation from the government office requires only one member from the list of three. This is because, the word used in the law is 'or' which signifies either of them.

d. Legality of the composition.

24. Much as we have found undoubtedly in our preceding paragraphs in this opinion that the Committee has no requisite jurisdiction to deal, hear and determine the professional fates of the law officers and state attorneys working in public service, unless the Attorney General under his exclusive discretion refers the matter to the Committee, which discretion lacks no backup from the Chief Justice and which in turn we find that the discretion is controversial with the provision of section 13 of the Act that requires any person to refer allegation on misconduct to the Committee. **It means requisition that a referral against law Officers or State Attorney to be done only by the Attorney General bars any person to lodge a complaint or application against them to the Committee in terms of section 13 of the Act reading together with rule 4 of the Advocates (Disciplinary and Other Proceedings) Rules, 2018.**

25. On that basis, it is our settled opinion that the composition of the committee remains biased. It is irrational for a committee which deals with only advocates from private legal practice to consist members from the government. The presence of the Attorney General or Deputy Attorney General or Director of Public Prosecutions sitting in a committee which determines the fates of the members from a private bar is uncalled for. They are members with conflicted interests as they encounter on daily basis with members from private bar in court corridors on various civil and criminal litigations. The Attorney General does not represent any interest of an advocate from a private bar and there is no way he can be fair in judging the fate of his fellow advocate who is coming from a different bar.

26. The Attorney General or Deputy Attorney General or Director of Public Prosecutions has nothing to lose in any proceedings of the committee because, come no day when his fellow attorney from the public service will be apprehended, arraigned and finally tried in this committee.

27. There are no logical findings in the legal spectrum when the Attorney General decides to refer an allegation of the professional misconduct of an advocate to the Committee to which he serves as a binding or a necessary party in forming a quorum. We have failed to distinguish this approach with the old but eminent doctrine of ***Nemo Judex in Causa Sua***. This natural justice maxim reminds us that no one can be a judge of his own cause. It further entails that; no person can judge a case in which they have an interest or bias. Since the Attorney General or Deputy Attorney General or Director of Public Prosecutions are working in same and similar office in terms of the Office of Attorney General (Re-Structure) Order, GN No. 48 of 2018. Thus, there is sufficient likelihood of biasness when a matter is referred by the Attorney General and proceedings are attended by the Deputy Attorney General or Director of Public Prosecutions as the two are working under same and similar office of the Attorney General. The Re-Structure Order, 2018 was made by His Excellency the President of the United Republic of Tanzania in pursuant with the provision of Article 36(1) and in observance of Articles 59,59A and 59B of the Constitution of the United Republic of Tanzania, 1977.

f. The High Court Judge membership in tribunals and committees.

28. It is our informed holding that, a tribunal or committee is not a court by any settings, thus a judge serving in any of the tribunal or committee be it a member or chairperson of that tribunal or committee is not serving as a judge but rather is serving as a chairperson or a member of the respective tribunal or committee as a case may be. With that line of reasoning, such a judge who serves as a chairperson or a member in respective tribunal or committee, even though appointed by the Chief Justice, does not act as a Judge in the proceedings.

29. The preceding reasonings find refuge in the case of **Tanga Cement Public Company Ltd v. Fair Competition Commission**, where the Court of Appeal, Levira, J.A speaking on behalf of the bench, remarked that the tribunal cannot be equated with the High Court even if there is proof that a judge of the High Court sits in that tribunal. Such a tribunal cannot be placed in equal footing with the High Court. Being guided with this legal authority, we ere of the views that, a judge sitting in a tribunal or committee does not enjoy privileges or jurisdiction like a judge of the High Court who sits in his ordinary court presiding matters therein.

g. The Disciplinary Powers under section 22 of the Advocates Act.

30. Members had time, during our deliberations, to take a visit to the provision of section 22 (1) (2) of the Advocates Act. This provision unequivocally confers the Chief

Justice and a judge of the High Court powers to deal with professional misconducts by advocates, over and above the powers conferred to the Advocates Committee.

31. In essence, this is additional disciplinary authority of the advocates apart from the Advocates Committee. However, a judge of the High Court is inflicted with this mandate in order to impose discipline or fear to advocates who appear before him for the purposes of maintaining a decorum and order during court proceedings. The law imposes to a judge such powers to admonish or suspend an advocate from legal practice who misbehave during court proceedings for specified period of time on reasonable cause, pending reference or disallowance by the High Court. Let the provision speaks by itself;

“any Judge of the High Court shall have power to suspend any advocate in like manner temporarily, pending a reference to, or disallowance of such suspension by, the High Court”.

32. Our reading of the provision of section 22 of the Advocates Act serves us a restrictive meaning. The provision is limited to powers of a judge as a disciplinary authority of the advocates. To be fair to ourselves, is to answer the following question.

Whether a judge who serves as a chairperson of the tribunal or certain committees enjoys the same powers and privileges under the provision of section 22 of the Act?

33. Our resounding answer is NO. We shall accord the reasons hereby as the reasons are not far to fetch. The office of a judge of the High Court is active only when a judge is presiding court proceedings in the court and when a judge is on attire presiding over a lawsuit. A court is any court in the United Republic of competent jurisdiction as defined under section 4 of the Interpretation of the Laws Act, [Cap 1 R.E 2019].
34. Once a judge of the High Court suspends an advocate from the legal practice for a period as specified in the order, such order shall not become effective until when it is referred to the High Court for approval or disapproval. See the case of **Fatma Amani Karume v. The Attorney General and One Another** Civil Application No. 434/01/2019 (reported Tanzlii) TZCA the decision delivered on 27th June, 2023. In which, at page 17 of the Judgment of the Court, it was ruled;

With due respect, we are of the finding and holding that, the applicant, having been suspended under section 22 (2) (b) of the Act, had an opportunity to move the High Court by employing the same provision of section 22 (2) (b) of the Act to seek disallowance of the order which suspended her. Trying as hard as we can to follow Mr. Kibatata's reasoning, we fail to understand why didn't the applicant resort to this avenue and instead opted to lodge an application for revision which, in our view, it was a misconception. To think otherwise, that, in our view, cannot have been the intention of the Parliament when drafting section of the

Act.

35. We also hold that, an advocate who is suspended from the legal practice by a judge exercising powers under section 22 of the Act, has a remedy to prefer a reference for disallowance of the suspension order by the High Court. Under this aspect, the High Court means a court consisting of three High Court Judges.
36. Never the less the arbitral suspension of an advocate for a period of six months by a judge of the high Court is a move that should not be condoned as it takes away a person's livelihood without due process.

e. The question of the Advocate Committee quorum.

37. It is interestingly even to note that, two members of the committee affords a quorum, but one of whom shall be Attorney General or Deputy Attorney General or the Director of Public Prosecutions. In the absence of the Attorney General Deputy Attorney General or the Director of Public Prosecutions the committee cannot sit and preside over any matter before it. It is only in Tanzania, where the affairs of the advocate from a private bar setting are being held under scrutiny, in which the outcome may amount to removal of his name from the legal practice permanently but the absence of his representative from his association during the proceedings of the committee serves no roles in attaining a quorum.
38. It is a person who is less concerned and who works in the government appears to be highly considered than a person who is coming from the society whose members are tried thereto. The vital consideration of the Attorney General is seen in line with the provisions of section 4(4)(5) of the Act where he can preside as a chairperson of the committee in the event a Judge of the High Court is absent in any of the meeting of the committee.
39. It demands to tell here that the role of the member who is nominated by the council of the Tanganyika Law Society, and a peer, is very trivial to the proceedings of the committee. This is because, the committee may proceed in determining the affairs of the accused advocates in the absence of TLS member without any legal effect, and the final verdict obtained therefrom will bind to the convicted advocate as their determination without the presence of TLS member in the committee are within the parameters of the law. Even if the TLS Council decides to remove or suspend its representation to the committee by any reasonable cause, yet the committee remains valid in its functions.
40. The way this law is crafted gives much power to the chairperson, the Honourable Judge of the High Court and his counterpart member from the office of public service, Honourable Attorney General or Deputy Attorney General or Director of Public Prosecutions. For instance, section 4(6) of the Act accords a majority decision in any question before the committee. But if they are two members present in the committee proceedings, a judge may decide at his own whims, as he is having a casting vote in

additional to his deliberative vote. In simpler terms, at all material times, a judge is carrying two votes in his pocket.

C. RECOMMENDATION AND WAY FORWARD.

41. Having gone lengthways in this discussion, we have found appropriate to recommend the following.

i. The new formation of the Advocates Committee with a different composition. We recommend a panel of five members in the Advocates Committee, two members from the Private Bar Association, two members from the Public Bar Association and one member from judiciary who shall be a judge of the High Court nominated by the Chief Justice whereas any three can form a quorum. The Advocates Committee should **serve as an appellate body** which should receive appeals from exhaustion of remedies from respective Bar Associations Disciplinary Organs. In the case of the Private Bar, Chapter's Ethics Committee and TLS Ethics Committee as established under the Tanganyika Law Society Act. And in the case of Public Bar, their respective employers as their Disciplinary authorities.

ii. In respect of section 22 of the Act, we recommend that the impugned provision needs to be revoked or repealed. The TLS Governing Council should initiate court proceedings by filing a constitutional petition to revoke the provision of section 22 of the Act or should commence legislative process by initiating amendment bill to repeal the impugned section.

Note: The basis of repealing or revoking the impugned section is that a judge should not be party of the disciplinary authority of the advocates. If a presiding judge is aggrieved by the acts of an advocate, he may refer him to his respective disciplinary authority. If it is an advocate from a public bar, to his employer or Deputy Attorney General and if he is coming from a private practice, then to his Chapter Ethics Committee or TLS Ethics Committee for appropriate measures.

However, if a judge finds that the acts of an advocate amounts to criminal offence, he may invoke the powers under section 124 of the Penal Code, [Cap 16 R.E 2022] by charging him under contempt of the court or initiates criminal proceedings in accordance with the criminal justice.

42. By way of passing, we found it apposite to put a word or two regarding the suspension of the Senior Counsel Mpale K. Mpoki by the chairman of the Advocates Committee. Being well guided by the position of the laws of this country, the suspension order is of no legal force, **null and void ab initio**. This is because the issuing officer at first place had no jurisdiction as such, he exercised powers not expressly conferred to him by any statute. Thus, it is opined therefore that, the order should loudly be rejected as it is non-enforceable in law.

43. This being members' affairs committee, it is plausible for the Governing Council of the Society to organize a one-day peaceful demonstration at nationwide just to register our dissatisfaction to the Chief Justice that all advocates of this country are aggrieved

by a suspension order issued by Hon. Ntemi Kilekamajenga, chairman of the Advocates Committee in particular and the conduct of the Committee in general where the Attorney General is concerned. The peaceful demonstration should comply with all due processes including notifying the police of our intention, date and time for appropriate escort and protection. This should be applied as an immediate recourse.

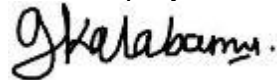
D. CONCLUSION.

44. This opinion has been given in response to the assignment issued by the Governing Council of the TLS. It is for the benefit of the Governing Council members and members of the society at large.

45. Whenever, the words Advocates Committee appear in this document, they stand to refer to the National Advocates Committee pursuant to Written Laws (Miscellaneous Amendments) Act No. 2 of 2021.

46.

Without prejudice, it is so opined.



Gloria Kalabamu

Chairperson of the Committee.

In support with all members of the Committee.

David Manoti

Ferdinand Makore

Angelister Nashon

Sisty Massawe

Laetitia Petro

Shehzada Walli