

SADC Committee of Ministers of Justice/Attorneys General met to consider related draft legal instruments

The hybrid Meeting of the Committee of Ministers of Justice/Attorneys General of the Southern African Development Community (SADC) was held on the 20th July 2023 in Kinshasa, Democratic Republic of Congo, to review progress made on decisions taken at its previous meeting and considered the draft legal instruments to be recommended to SADC Council of Ministers and Summit of Heads of State and Government for consideration, approval, adoption and signature.

SADC Deputy Executive Secretary for Corporate Affairs, Ambassador Joseph Nourrice on behalf of the SADC Executive Secretary, His Excellency Mr. Elias M. Magosi reminded the Committee that since their last meeting in July 2022, Council and various SADC Sectoral Ministerial Committees convened to deliberate on matters concerning their strategic areas of focus in their respective sectors in pursuit to fast-tracking the SADC Regional Integration Agenda. Some notable outcomes emanating from these various institutions of SADC require legal review, guidance, and clearance from this Committee.

In his keynote address, His Excellency Jean-Michel Sama Lukonde Kyende, Prime Minister and Head of Government, Democratic Republic of Congo expressed satisfaction that the matter relating to the SADC Tribunal as a mechanism for disputes settlement was on the agenda with a view to come up with resolutions on how disputes can be resolved in Member States.

Honourable Mutombo Kiese Rose, Minister of Justice of the Democratic Republic of Congo in her capacity as the Chairperson of the Committee of Ministers of Justice/Attorneys General pointed out that the matter relating to the mechanism for resolving disputes amongst SADC Member States following the suspension of the SADC Tribunal and the delay in the entry into force of the Protocol on the Tribunal of 2014 was still a concern for the Committee and Sectoral Ministerial Committees. She expressed hope that the Committee will come up with appropriate recommendations to Council and Summit on how the Committee can move forward in resolving disputes that may arise between Member States regarding the interpretation and application of SADC legal instruments.

The Ministers of Justice/Attorneys General recommended the approval of the Draft SADC Declaration on Accelerating Action to End AIDS as a Public Health Threat in the SADC Region by 2030 by the Council of Ministers. The Draft Declaration aims to accelerate action in the SADC region to decrease the number of people living with and affected by HIV and AIDS, to ensure that HIV and AIDS is no longer a threat to public health and to the sustained socio-economic development of Member States.

The Ministers also considered and recommended to Council the Draft SADC Protocol on Employment and Labour. The Draft Protocol seek to amongst others:

- (a) establish a strategic regional co-operation framework on employment and labour related matters;

- (b) promote inclusive, full and productive employment, including self-employment;
- (c) facilitating the adoption of minimum labour standards and the realisation of fundamental principles and rights at work in the Region;
- (d) promote access to social security and facilitate extension of coverage to all workers;
- (e) promote tripartism and social dialogue for better labour market governance; and
- (f) promote the establishment and effective functioning of labour market institutions.

Among the legal instruments was the Draft Amendments to Annex VII to the SADC Protocol on Trade which was also considered and recommended to the Committee of Ministers of Trade for approval and adoption. The draft amendments to Annex VII the Protocol on Trade seek to incorporate the agreed provisions on the Preferential Trade in Sugar in the SADC region such as preferential access to be established for SADC surplus sugar producing countries to markets of deficit SADC sugar producing and non-sugar producing countries (surplus to deficit trade in sugar) amongst others.

The meeting was attended by Justice Ministers/Attorneys General or their representatives from Angola, Botswana, Democratic Republic of Congo, Eswatini, Lesotho, Malawi, Mauritius, Namibia, South Africa, the United Republic of Tanzania and Zimbabwe

The mandate of the SADC Committee of Ministers of Justice/Attorneys General is to provide legal guidance and clearance to all SADC legal instruments that emanate from matters that promote the objectives of SADC as set out in Article 5 of the SADC Treaty and as mandated by the SADC Protocol on Legal Affairs.