



**STATEMENT FROM THE MEETING OF THE COMMITTEE
OF MINISTERS OF JUSTICE/ ATTORNEYS GENERAL,
25 JANUARY 2022**

The Southern African Development Community (SADC) Committee of Ministers of Justice/Attorneys General met virtually on 25th January 2022 to consider, *inter alia*, a number of draft SADC legal instruments including draft amendments to the SADC Treaty, the SADC Administrative Tribunal (SADCAT) Statute and the Protocol on the Development of Tourism in SADC with the aim to create a conducive legal framework to advance efforts to achieve the SADC Common agenda.

The meeting was attended by Ministers/Attorneys-General or their representatives from the Republic of Angola, the Republic of Botswana, the Democratic Republic of Congo, the Kingdom of Eswatini, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Mozambique, the Republic of Namibia, the Republic of South Africa, the United Republic of Tanzania, the Republic of Zambia and the Republic of Zimbabwe. The meeting was also attended by the Executive Secretary of SADC, His Excellency Mr. Elias M. Magosi.

The meeting was preceded by a one-day meeting of Senior Legal Officials on 24th January 2022 which reviewed and cleared documents for Committee of Ministers/Attorneys-General.

The meeting was chaired by Honourable Thabo Chakaka Nyirenda, the Attorney General of the Republic of Malawi, as the Chairperson of the Committee of Ministers of Justice/Attorneys General. In his remarks, Hon. Nyirenda underscored the importance of the role performed by the Committee in providing legal guidance and coordination of legal issues for SADC. Hon. Nyirenda also reminded the meeting of the other key functions of the Committee, among others, to coordinate and review legal instruments prior to consideration by the SADC Council of Ministers and subsequent adoption by the SADC Summit of Heads of State and Government.

The Chairperson recognised the work that had been undertaken by the Senior Legal Officials and the Secretariat in preparation for the meeting and further urged the Committee to actively participate in good spirit in support towards regional integration.

H.E Magosi commended SADC Member States for their continued support to the legal sector, affirming this through highlighting scores of achievements and progress on activities aimed at the implementation of the Protocol on Legal Affairs which so far has ensured delivery of the SADC Regional Indicative Strategic Development Plan (RISDP) 2020 -2030 and the overarching SADC Vision 2050.

He outlined the need to accelerate the SADC Regional Integration Agenda stating that steadfast support on legal affairs would ensure prudent management of the justice system as prescribed by the Protocol on Legal Affairs and the Action Plan of the Committee as adopted in 2015.

He further called for a continued collaboration between the Member States and the Secretariat, expressing confidence on the basis of the commitment displayed by both parties to work efficiently and demonstrating professionalism in management of legal matters.

Ministers/Attorneys-General considered the Draft Agreement Amending the SADC Treaty and recommended it to Council for consideration and further recommended it to Summit for adoption. The amendment is intended to recognise the SADC Parliament as one of SADC Institutions under Article 9 (1) of the SADC Treaty.

Ministers/Attorneys-General further recommended to Council for approval, the draft Amendment to the SADCAT Statute to provide for a term of four (4) years non-renewable for Judges of the SADC Administrative Tribunal (SADCAT).

Ministers/Attorneys-General also noted progress on the status of the consultancy to assess the reasons and implications of the slow pace in the ratification of the SADC Protocols and other Legal Instruments by Member States.

Ministers/Attorneys-General considered and reviewed the Regional Customs Transit Guarantee Regulations made under Annex IV to the Protocol on Trade and recommended it to the Committee of Ministers of Trade for adoption. The Regulations cater for a system that ensures that the guarantee issued in one country should be recognised across the Region for purposes of securing the duties when the goods are in transit and thereby regarded as a trade facilitation tool meant to support the implementation of the SADC Free Trade Area (FTA).

Ministers/Attorneys-General also considered and reviewed the Draft Agreement Amending the Protocol on the Development of Tourism in the SADC Region, and recommended it to Council for further consideration and approval, and subsequent referral to Summit for adoption.

Lastly, the Ministers/Attorneys-General considered and reviewed the Draft Memorandum of Agreement for the Establishment of SADC Humanitarian and Emergency Operations Centre (SHOC) and recommended it to Council for consideration and approval. The purpose of SHOC is to coordinate humanitarian and emergency relief support to Member States affected by disasters within the SADC Region.

Done in Gaborone, Botswana

25th January 2022