MINUTES OF THE ANNUAL GENERAL MEETING OF ALRAESA

12 April, 2013

Cape Town, SOUTH AFRICA
1.0 MEMBERS PRESENT

The following members were present at the 2013 Annual General Meeting (AGM):

(a) Namibia (Chairperson)
(b) Malawi (Secretary General)
(c) South Africa (Treasurer)
(d) Uganda (1st Vice Chairperson)
(e) Lesotho (2nd Vice Chairperson)
(f) Tanzania
(g) Zimbabwe
(h) Zambia

Noting Absentees:

Rwanda, Burundi, South Sudan, Botswana, Swaziland, Mauritius and Kenya.

Noting apologies:

Zanzibar.

2.0 WELCOME REMARKS

The Chairperson, Mr. Sacky Shanghala, opened the meeting at 10:00hrs and welcomed the members to the 2013 AGM in Cape Town. He asked members present to introduce themselves.

The Chairperson also informed the AGM that the current AGM was supposed to be held in 2012 but owing to unavailability of a host country, it was impossible to conduct the AGM. However, it was agreed between the Chairperson and the Secretary General that the AGM and EXCO meetings should be held on the fringes of the Commonwealth Association of Law Reform Agencies (CALRAs) and Commonwealth Lawyers Association Conferences in Cape Town.

He further informed the AGM that the EXCO meeting took place on 11th April, 2013 at the same venue as the AGM.

The Chairperson also welcomed Mr. Michael Sayers who was sitting in the AGM as an observer. In the same vein, he welcomed the delegates from Zambia and urged them not to abandon ALRAESA.

3.0 AGENDA

The AGM considered and adopted the following as the Agenda for the meeting:

(1) Welcome Remarks
(2) Noting apologies
(3) Consideration and adoption of the Agenda
(4) Confirmation of previous minutes
(5) Matters arising from minutes of the previous meeting
(6) Status of the Constitution (Amendments to be made)
(7) Reports on New members – Botswana, Rwanda and South Sudan
(8) Setting up of a permanent ALRAESA secretariat
(9) Progress Reports by the Committee on:
   (a) Formal Education; and
   (b) Model Electoral Laws
10. Financial report of ALRAESA
11. Handover of:
   (a) Signatories;
   (b) E-mail; and
   (c) Website
12. Elections
13. Any Other Business
14. Closing Remarks

The AGM considered and adopted the Agenda without amendments.

4.0 CONSIDERATION AND ADOPTION OF MINUTES OF PREVIOUS MEETING AND MATTERS ARISING

4.1 The AGM resolved to consider the minutes of the AGM of 9th November, 2011 and matters arising from them together.

4.2 The meeting noted that most of the issues arising from the minutes of the previous minutes were also listed on the Agenda as substantive matters.

4.3 This notwithstanding, the AGM was informed that correspondence had been initiated with the African Union regarding the process of accreditation of ALRAESA. The Chairperson is responsible for this matter. To this end, the Chairperson has submitted documents including the Constitution of ALRAESA to the African Union and thereafter the documents shall be passed on to Commissioners that shall consider them. The Chairperson indicated that he does not expect the process to be protracted.

4.4 Then the minutes of the meeting on 9th November, 2011 were adopted as a true reflection of the deliberations of the AGM in Lilongwe, Malawi.

5.0 STATUS OF THE CONSTITUTION

5.1 The AGM considered a proposal of the EXCO to reduce the number of members of the EXCO and have a rotating Chairpersonship. During deliberations, it transpired that some members felt there was need for notice of amendment to all members while others took the position that the Constitution allowed the General Meeting to waive the requirement for the 90 day notice.

5.2 The AGM resolved to proceed by waiving time as provided for under Article 36 (2) but that the proposed changes would not take effect until the expiry of the Notice period under the Constitution.
6.0 REPORTS ON NEW MEMBERS

6.1 The SG informed the AGM that the list of new members includes Burundi and Swaziland. The Chairperson added to the list Mozambique and Angola which are lusophone countries but are within the ALRAESA region.

6.2 The AGM was informed that dialogue has commenced with all the new members and some, like Rwanda, Swaziland and Botswana, had confirmed participation at the AGM.

7.0 PERMANENT SECRETARIAT

7.1 The SG reported to the AGM that it had made an inquiry into the pros and cons and had found that there was motivation for the establishment of a Permanent Secretariat for ALRAESA but that there was need to consider the following:
   (a) Identification of a host country;
   (b) Recruitment of staff;
   (c) Sourcing of funds for the establishment and operation of the secretariat; and
   (d) Adoption of a timeframe for further inquiry and implementation of the proposal.

7.2 The AGM was informed about the proposal by EXCO to have a smaller team of members to make further inquiry into the proposal. The proposal was accepted by the AGM and three members volunteered to participate in the Committee. These members are Malawi, Tanzania and Lesotho.

8.0 REPORT BY THE FORMAL EDUCATION COMMITTEE

8.1 The Chairperson informed the AGM that the Universities of Cape Town and Dar es Salaam were approached to consider introducing a postgraduate qualification in law reform and that a concept note had been developed to this effect.

8.2 The universities had been selected on the basis of regional location.

8.3 What remains on the project was to source funds for the rolling out of the programme. See Appendix A.

9.0 REPORT ON THE ELECTORAL LAW PROJECT

9.1 The Chairperson advised the AGM that the Electoral project was underway. The initial consultant identified for the project was appointed Ambassador and a replacement had been identified from Kenya.

9.2 The Konrad Adeneur Foundation has expressed interest to fund the project and provided up to US$100,000.00.

9.3 While the project initially considered involvement of 5 member countries, the project has now been expanded to all ALRAESA members.

9.4 Members were requested to compile election related legislation and submit it to the consultant through the Secretariat for onward transmission to the Consultant through the relevant committee. See Appendix B.

10.0 FINANCIAL REPORT
10.1 The Treasurer presented the Treasurer’s Report (see Appendix C). It was proposed that one of the 3 accounts of ALRAESA be closed in order to promote effective management and monitoring of the accounts. The Savings Account was isolated for closing.

10.2 The Treasurer also proposed the adoption of a resolution to adopt temporary measures regarding the operation of ALRAESA accounts. See Appendix D. The resolution was adopted by the AGM.

10.3 The AGM was further informed that the Treasurer would post an e-mail for communication on matters of finance. The e-mail address is reform@justice.gov.za and is accessible by 3 officers of the South African Law Reform Commission (SALRC).

10.4 On the issue of raising subscription fees, the AGM resolved that there is currently no basis for considering whether to raise or drop the subscription fees. Matters of the establishment of the Permanent Secretariat were cited as some of the reasons that would necessitate proper grounding of the quantum of the subscription fees payable.

10.5 Members noted that the Treasurer’s Report as presented is properly crafted and has followed a user friendly format.

10.6 On countries with arrears on subscription, the AGM resolved that there is need for the Secretariat to follow up on members who are in arrears but that instead of submitting invoices bearing huge outstanding sums, there should be proper engagement with those members in order to make all members current with their subscriptions.

10.7 It was agreed that the Treasurer should continue to raise invoices for current and outstanding sums and send to members to enable them to effect payment.

11.0 HANDOVER OF SIGNATORIES; EMAIL AND WEBSITE

11.1 The AGM was informed that the EXCO had adopted a resolution to replace Mr. Michael Palumbo as a signatory to the ALRAESA accounts with Mr. Linda Mngoma and Mr. Adam van Vuuren of the SALRC.

11.2 The Treasury also informed the AGM that the account for submission of subscription fees shall be communicated through the website.

12.0 ELECTIONS

12.1 It was proposed that instead of conducting elections per post, all office bearers should continue in their positions for another term in order to allow for continuity with the programmes that are underway.

12.2 In line with the proposed amendment to the Constitution, it was agreed that when the amendments take effect, the office of 2nd Vice Chairperson shall fall away and so shall the position of one ordinary member.

12.3 The proposal was made by Tanzania and supported by Zambia.

13.0 DATE AND PLACE OF NEXT AGM

13.1 The next AGM and Conference shall be hosted by Uganda in November, 2014, preferably in the week beginning 10th or 17th November, 2014.

13.2 The next EXCO meeting shall take place in Namibia in November, 2013.

13.3 The 1st EXCO for 2014 shall take place in April, 2014 in Tanzania.
14.0 OTHER BUSINESS

14.1 It was agreed that minutes of any meeting of ALRAESA or any of its committees shall be circulated to members within 7 days of the meeting in question.

14.2 It was further agreed that Uganda shall take on the responsibility of approaching Rwanda, Burundi and South Sudan as a way of following up on their membership. Namibia would approach Botswana, Swaziland, Mozambique and Angola on the same matter.

15.0 CLOSING

15.1 The meeting was formally closed at 12:30hrs on 12th April, 2013 and adjourned sine die.

................................................. .................................................
SECRETARY                                CHAIRPERSON