

Continuing Professional Development / Continuing Legal Education

For delegates from countries where CPD / CLE is mandatory, the International Bar Association will be pleased to provide a Conference Certificate of Attendance which, subject to the exact CPD / CLE requirements, may be used to obtain the equivalent accreditation in your jurisdiction. This conference has been accredited for CPD / CLE by the Law Society of England and Wales.

US CLE

Accreditation of this programme has been approved by New York and California. IBA certificates of attendance will be available for lawyers from self-reporting US states.

* UP TO 12.5 CPD HOURS AVAILABLE

Thursday, 25 March

0700 – 1700	Registration - Main Foyer
0830 – 0900	Welcome - Ballroom East Fernando Pelàez-Pier Hoet Pelàez Castillo & Duque, Caracas; IBA President Jacob Saah Saah & Co, Accra; Chair, IBA African Regional Forum
0900 – 0915	Introduction of opening speaker
0915 – 1000	Opening address President Jacob Zuma
1000 – 1030	Refreshment break
1030 – 1230	Plenary session - Ballroom East

The Rule of Law; the Independence of the Judiciary and of the Legal Profession

A decisive factor for a successful democracy is the judicial institution as a guardian of the Rule of Law and protector of basic human rights. Such a judiciary not only serves the immediate interests of citizens, but also promotes a stable society which is governed by an efficient system of civil and criminal law.

A lack of trust in the judiciary as a direct consequence of its being perceived as a ruling government-controlled institution is often a concerning factor in Africa. This session will examine the issues and debate the impact of the Rule of Law and its applications in Africa.

Session Chair:

Ashwin Trikamjee Garlicke & Bousfield, Umhlanga, South Africa; Vice-Chairperson, IBA African Regional Forum

Speakers:

Chief Justice Georgina Wood Chief Justice of Ghana
Justice Albie Sachs (ret) Johannesburg
Justice Ralph Zulman (ret) Johannesburg
Ambassador Raychelle Awuor Omamo Coulson Harney, Nairobi; former President of the Law Society of Kenya
Oluwarotimi Odunayo Akeredolu President of the Nigerian Bar Association, Lagos
Sternford Moyo Scanlen & Holderness, Harare; Vice-Chair, IBA Human Rights Institute

1230 – 1400	Lunch
1400 – 1700	Simultaneous sessions
1530 – 1600	Refreshment break

Session 1: International Arbitration in Africa - Ballroom East

Why are most international arbitrations involving African parties held outside Africa? How can African countries promote and develop international arbitration in Africa?

This session will

- discuss the issues and challenges which must be faced in developing and promoting international arbitration in Africa;
- consider the role played by domestic, regional and international arbitration organisations; and
- identify and examine both existing and possible future African regional arbitration initiatives.

Session Chair:

Des Williams Werksmans incorporating Jan S de Villiers, Johannesburg; IBA LPD Council Member

Speakers:

Sami Houerbi DH Avocats, Tunis; Director of the ICC Dispute Resolution Services for the Eastern Mediterranean, Middle East and Africa
Dorothy Ufot Dorothy Ufot & Co, Lagos; Member of the ICC International Court of Arbitration and the ICC Commission on Arbitration; IBA LPD Council Member
Michael Kuper SC Johannesburg Bar, Johannesburg; Chairperson of the Arbitration Foundation of Southern Africa
Olasupo Shasore Attorney-General of Lagos State, Lagos

Session 2: Climate Change: Africa's challenge and response - Meeting room 1.41 – 1.44

This session will discuss Africa's policy, legal and business responses to climate change.

There will be particular focus on the outcome of the Copenhagen COP in December 2009 and the consequences for emerging economies. Some of the topics to be discussed are:

- the post-Kyoto landscape and the position of developing countries
- the scope and future of emissions trading in Africa, including African participation in the Clean Development Mechanism and the feasibility of cap-and-trade regimes in Africa
- carbon disclosure initiatives such as the Carbon Disclosure Project
- carbon taxes and other legislative responses
- climate change-related business and legal opportunities in Africa

The timing of this session and the continental focus thereof, will make it particularly topical.

Session Chair:

Johann Scholtz Webber Wentzel, Johannesburg

Speakers:

Joanne Yawitch Deputy Director-General of Environmental Affairs, Government of South Africa, Cape Town
Teni Odujinrin CEO, EcoXchange Limited, Lagos
Alberto Tsamba Director, GED, Maputo
Pancho Ndebele Director, Emvelo Group, Sandton, South Africa
Dr Youba Sokona Executive Secretary, Sahara and Sahel Observatory, Tunis
Barney Kgope, National Business Initiative, Johannesburg

Session 3: Mining Law: Dealing with the impact of the global financial crisis - Westin Hotel (Da Gama Room)

Africa contains a veritable treasure trove of the world's mineral resources. The global financial crisis – and the end of a six-year commodities boom – has had a serious impact on exploration activity, mining production as much as M&A activity in the African mining sector over the last eighteen months. The session will

- examine the impact of the crisis on the African mining sector from an investment, regulatory and risk perspective and
- assess the response of particular African mining jurisdictions to mitigating the crisis, whether from a fiscal, regulatory or other perspective.

A multijurisdictional panel will accordingly analyse particular country responses in order to assess their effectiveness in dealing with the crisis.

The session will include input from the Oil and Gas Committee given the importance of these upstream activities in west and central Africa.

Session Chair:

Peter Leon Webber Wentzel, Johannesburg; Chairperson, IBA Mining Law Committee

Speakers:

Michael Walter Herbert Smith, London
Otsile Matlou Deneys Reitz, Johannesburg
Charles Rwechungura CRB Attorneys, Dar es Salaam
Morné van der Merwe Werksmans; Johannesburg
Jorge Graça MGA Advogados e Consultores, Maputo
Charles Mkokweza Corpus Legal Practitioners, Lusaka

1900 – 2200 Conference dinner - Moyo at Spier (see page 12)

Friday 26 March

0700 – 1200	Registration - Auditorium Foyer
0730 – 0900	Breakfast session: Women's Interest Group - Meeting room 2.64 - 2.66
0900 – 1230	Simultaneous sessions
1030 – 1100	Refreshment break

Session 4: Managing for survival: African law firms in changing times (1) - Auditorium 1

Most African law firms remain small and poorly managed, while at the same time global law firms have turned their attention to Africa as a source of work and revenue. This session will examine the causes of the weakness in governance of African law firms and make suggestions on how these may be addressed.

(1) 0900 - 1030

Governance issues and options for law firms in Africa: Strategy, structure, partner remuneration and managing the growth of the partnership

Session Chair:

Stephen Denyer Allen & Overy LLP, Frankfurt; Vice-Chairperson, IBA Law Firm Management Committee

Panellists:

Thoba Poyo-Dlwati Ngcobo Poyo & Diedricks Inc, Pietermaritzburg
Segun Osuntokun Berwin Leighton Paisner LLP, London
David Abraham D Abraham & Co Solicitors, London
Steven de Backer Webber Wentzel, Johannesburg
Nalini Gangen Cape Law Society, Cape Town

(2) 1100 - 1230

Financial management: Fees, billing and collections

Session Chair:

Olufunke Adekoya Aelx Partners, Lagos

Panellists:

Edward Luke II Luke & Associates, Gaborone
Sternford Moyo Scanlen & Holderness, Harare
Babatunde Ajibade SPA Ajibade & Co, Lagos

Session 5: Bridging Africa's infrastructural deficit – key issues in structuring and financing projects - Meeting room 2.41 – 2.46

There is consensus that the state of infrastructure in most African economies hinders successful modernization. The World Bank estimates that Africa faces an infrastructure financing gap of US\$35 billion economies per year.

This session will examine the challenges confronting African countries and distill the lessons to be learnt from projects such as the Gautrain high-speed train link in South Africa.

Session Chair:

Brigitte Baillie Webber Wentzel, Johannesburg

Speakers:

David Ofosu-Dorte AB & David Law Affiliates, Accra
Evans Monari Daly & Figgis, Nairobi
Jackie Midlane Deneys Reitz, Johannesburg
Samallie Kiyingi Clifford Chance, London

Session 6: The emerging rule of law, human rights, peace and security architecture of the African Union (AU)/ Prospects for rule of law, human rights, peace and security at the Regional Economic Communities (1) - Meeting room 1.41 – 1.44

The session, which will be in two parts, will first examine developments at the continental level with specific attention on the African Union. The second part of the session will highlight developments at the sub-regional level.

Moderator:

Olawale Fapohunda Legal Resources Consortium, Lagos

AU Segment:

Judge President Bernard Ngoepe Pretoria; Judge of the African Court for Human and Peoples' Rights
Jeremy Gauntlett SC Cape Town Bar, Cape Town
George Mukundi Africa Transitional Justice Programme, Centre for the Study of Violence and Reconciliation, Cape Town
Ben Kioko Legal Counsel, African Union, Addis Ababa
Akere Muna President of the Pan African Lawyers Union (PALU), Yaounde

1230 – 1400 Lunch

1400 - 1700 Simultaneous sessions

1530 - 1600 Refreshment break

Session 7: Managing for survival: African law firms in changing times (2) - Auditorium 1

Most African law firms remain small and poorly managed, while at the same time global law firms have turned their attention to Africa as a source of work and revenue. This session will examine the causes of the weakness in governance of African law firms and make suggestions on how these may be addressed. The panel will, among other issues, explore

(1) 1400 - 1530

Quality standards and quality assurance procedures

Session Chair:

Max Boqwana *Boqwana Loon & Connellan, Port Elizabeth*

Panellists:

Olufunke Adekoya *Aelex Partners, Lagos*
Nkikia Moshesh *Webber Wentzel, Johannesburg*
Segun Osuntokun *Berwin Leighton Paisner LLP, London*
Steven de Backer *Webber Wentzel, Johannesburg*

(2) 1600 - 1700

The marketing and promotion of law firms: Managing the tensions between business development and restrictions on marketing

Session Chair:

Nalini Gangen *Cape Law Society, Cape Town*

Panellists:

Sean Bosse *Bosse & Associates, Cape Town*
Steven de Backer *Webber Wentzel, Johannesburg*
Stephen Denyer *Allen & Overy LLP, Frankfurt; Vice-Chair, IBA Law Firm Management Committee*
Piet Faber *Edward Nathan Sonnenbergs, Cape Town*

Session 8: Corporate Governance: Friend or Foe to the Successful Business? - Meeting room 2.41 – 2.46

The Corporate Governance session is led by a key note speech by Professor Mervyn King, Chairman of the King Committee which drafted the King Report on Corporate Governance in South Africa. The session will explore different perspectives of Corporate Governance considering the challenges for the policy makers and for the different stakeholders including the Board, management and external investors. The role of in-house Counsel in enforcing a Corporate Governance regime will also be explored pointing to some of the tensions implicit in the role.

Speakers will include the Chairman of a Nigerian company, an in-house Counsel, a Tanzanian business consultant specializing in Corporate Governance, a representative from the Johannesburg Securities Exchange as well as the Chief Executive of a Zambian business with recent experience in this area.

Session Co-Chairs:

Udochi Iheanacho *Udochi Iheanacho Partnership, Lagos; Conference Coordinator. IBA Closely Held and Growing Business Enterprise Committee*
Christopher Owen *Manches LLP, London*
Pieter Steyn *Werksmans, Johannesburg; Secretary, IBA Antitrust Committee*

Speakers:

Prof Mervyn King *SC Chairman of the King Committee on Corporate Governance, Johannesburg*
Ayo Akinmade *Executive Chairman of Workplace Plus (operators of the Regus franchise in Nigeria), Lagos*
Patrick Chisanga *Corporate Governance Consultant, Zambia, Lusaka*
Noah Greenhill *Johannesburg Stock Exchange, Johannesburg*
Nkechi Nwosu *Head of Legal Services, Diamond Bank Plc, Lagos*
Dr Edmund Mndolwa *PriceWaterhouseCoopers, Dar es Salaam*

Session 9: The Emerging Rule of Law (2) - Meeting room 1.41 – 1.44

Regional Economic Communities segment:

Session Chair:

Anton Katz *Cape Town Bar, Cape Town*

Speakers:

Femi Falana *Falana & Falana Chambers, Lagos; West African Bar Association*
Mabvuto Hara *Hara & Associates, Blantyre; President, SADC Lawyers Association*
Don Deya *Chief Executive Officer, Pan African Lawyers Union, Secretary, IBA African Regional Forum*
Francois Serres *Avocat, Paris*
Rasha El-Shehawy *International Advocacy Programme, Cairo Institute for Human Rights Studies, Cairo*

Organising Committee Members

Jacob Saah *Saah & Company, Accra; Chairperson, IBA African Regional Forum*
Ashwin Trikamjee *Garlicke & Bousfield, Umhlanga; Vice Chairperson, IBA African Regional Forum*
Prof Angela Itzikowitz *Edward Nathan Sonnenbergs, Johannesburg; Corporate Counsel Forum Liaison Officer, IBA African Regional Forum*
Johann Scholtz *Webber Wentzel, Johannesburg; IBA African Regional Forum advisory board member*
Des Williams *Werksmans incorporating Jan S de Villiers, Johannesburg; IBA African Regional Forum advisory board member*
Nalini Gangen *Cape Law Society, Cape Town*
Thinus Grobler *Law Society of the Northern Provinces, Pretoria*
Gavin John *KwaZulu-Natal Law Society, Pietermaritzburg*
Anton Katz *Cape Bar, Cape Town*
Arnold Mohobo *Law Society of the Free State, Bloemfontein*
Patric Mtshaulana *SC Duma Nokwe Group, Fountain Chambers, Sandton; Chairperson, General Council of the Bar of South Africa*
Anthony Pillay *Law Society of South Africa, Pretoria*
Thoba Poyo-Dlwati *Ngcobo Poyo & Diedricks, Pietermaritzburg, Co-Chairperson, Law Society of South Africa; Vice President, SADC Lawyers Association*
Bill Skirving *Hannover Re Group Africa, Johannesburg; President, Corporate Lawyers Association of South Africa*
Barbara Whittle *Law Society of South Africa, Pretoria*
Charlene Malama *Scatterlings Conference and Events, Johannesburg*
Rowan Moss *Scatterlings Conference and Events, Johannesburg*

Conference Supporters



GENERAL COUNCIL OF THE BAR OF SOUTH AFRICA

Corporate Lawyers Association of South Africa

Clasa

Legalbrief
TODAY