

EDITORIAL

It is a great privilege to welcome readers to the first issue of the *SADC Law Journal*, a great opportunity in the development and articulation of Community-wide law and jurisprudence.

Since its inception in 1992, the Southern African Development Community (SADC) has continued to accumulate a growing body of norms underpinned by its founding Treaty. Such SADC law includes various Protocols, jurisprudence developed by the SADC Tribunal, and other norms.

This *Journal* aims to disseminate and articulate such SADC law in the context of regional integration. The Journal is not concerned with laws in individual SADC jurisdictions. It will focus on the following broad themes:

- Harmonisation of national laws in the context of SADC regional integration
- The relationship between SADC, the African Union and other African regional communities
- Comparative analysis of legal developments in SADC and other regional integration bodies
- Human rights issues within the context of SADC regional integration
- The jurisprudence, mandate and the authority of the SADC Tribunal, including commentaries on the Tribunal's decisions
- Analysis and evaluation of the SADC Treaty, Protocols and other norms, and
- Review of relevant books and other literature.

We shall also include texts of relevant SADC norms from time to time.

The *Journal* will be published once a year. The target audiences are academics, researchers, policymakers and students of regional integration. This is a peer-reviewed journal.

The first issue contains a varied and interesting collection of articles on a multitude of topics by leading scholars, researchers and students of regional integration. They include Emeritus Professor Gerhard Erasmus's contribution, "Is the SADC trade regime a rules-based system?", which highlights the importance of developing a rules-based trade regime in SADC in the context of the global debate on the subject. This contribution is followed by Professor Clement Ng'ong'ola's article, "Replication of WTO dispute settlement processes in SADC", which describes and discusses Annex VI of the Protocol in the SADC Treaty. Ms Precious Ndlovu's commentary, "Campbell v Republic of Zimbabwe: A moment of truth for the SADC Tribunal", revisits the landmark decision. In "Regional trade integration strategies under SADC and the EAC: A comparative analysis", Dr Henry Mutai examines the key legal provisions on trade liberalisation as found in the constitutive legal instruments of the two regional organisations. Dr Dunia Zongwe's article, "Conjuring systematic risk

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through financial regulation by SADC central banks”, analyses the Model Central Bank Law adopted by the SADC Committee of Central Bank Governors. In the first of a two-part article (Part II to follow in the second issue of this Journal), “Enhancing access to South African social security benefits by SADC citizens: The need to improve bilateral arrangements within a multilateral framework”, Professor Marius Olivier critically reflects on cross-border access to social security benefits in the context of long-standing migration in the SADC region and the need for a human rights approach to the facilitation of movement. In “Reinvigorating African values for SADC: The relevance of traditional African philosophy of law in a globalising world of competing perspectives”, Mr Clever Mapaure seeks to show an Africology of legal philosophy in the context of critical values underlying the regional integration project in southern Africa. The article entitled “Drugs and violent crime in southern Africa” by Mr Charles Goredema is an analysis of experiences in the region over the past two decades. It discusses the links between the trafficking of illicit drugs and violent crime. The final article in this issue is a commentary entitled “SADC Protocol on Gender and Development: Road map to equality?” by Dr Mulela Munalula. In her commentary, Dr Munalula highlights some critical issues and laments the slow pace of the Protocol’s implementation, and the enduring battle against traditional attitudes as barriers to the mainstreaming of gender equality in the SADC region.

Besides the above articles, we are including in this first issue the text of the SADC Protocol on Tribunal and Rules of Procedure Thereof, and an explanatory note by Prof. Werner Scholtz on the review of the role, functions and terms of reference of the SADC Tribunal. The issue also includes a review by Ms Trudi Hartzenberg of the publication entitled *Trade Policy: A Handbook for African Parliamentarians*. Finally, there are two case reviews: the first, by Mr Ashimizo Afadameh-Adeyemi, looks at *Barry Gondo & 8 Others v The Republic of Zimbabwe*; and the second, by Mr Olufolahan Adeleke, tackles *United Republic of Tanzania v Cimexpan (Mauritius) Ltd, Cimexpan (Zanzibar) Ltd & Ajaye Jogoo*.

This journal has come into being as a result of the inspiration and support given by a number of people and institutions. I sincerely wish to pay tribute to some of them, in particular His Excellency Judge President Ariranga G Pillay (Judge President of the SADC Tribunal and Chairperson of the SADC Law Journal Trust), Professor Nico Horn (former Dean of Law of the University of Namibia and a member of the SADC Law Journal Trust), Dr Anton Bösl (Country Representative for Angola and Namibia of the Konrad-Adenauer-Stiftung), Mr Charles Mkandawire (Registrar of the SADC Tribunal), and Mr Mabvuto Hara (former Chair of the SADC Lawyers’ Association).

We are also greatly indebted to the SADC Tribunal for their encouragement and support, and to the Konrad-Adenauer-Stiftung for the kind sponsorship of this first issue of the Journal. We are equally grateful to the Justices of the

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Evance Kalula
Editor-in-Chief