

LEAP



Legal Expertise Access Platform

The Inaugural LEAP Conference

Introduction and context

Legal Expertise Access Platform (LEAP) is a Not For Profit international initiative, based in Africa, that aims to transform the continent's access to and hosting of cutting edge socio/legal thinking and practice in support of the rule of law.

LEAP is being introduced at a crucial stage in Africa's development momentum and endeavours to become the foremost provider of innovative and multipurpose platforms to increase access to and implementation of top-level legal excellence across the continent in leadership.

It is indisputable that Africa is currently undergoing rapid change, metamorphosing into a force to be reckoned with. Yet the perceptions of the continent, to some extent, remain darkened by legacies of imperialistic colonialism and racism in its various guises. There are, however, many positive scenarios that warrant greater recognition and exposure, offering alternative narratives to the over played picture of conflict and poverty that for decades has dominated the depiction of Africa.

In this era of apparent change, there is a real need for Africa to comprehensively challenge such perceptions. Plainly, there is a huge responsibility on the part of African states in retelling their stories and therefore positively repositioning their status in the international order. However, this responsibility must also be shared by business and civil society, which each have an equally important role to play in ensuring ownership of this new order and its perpetuation in the future.

The effective rule of law is without doubt a key component toward this endeavour providing a credible framework to social, economic and political development for African States, businesses and civil society .

LEAP considers the definition, determination and positive contribution to effective rule of law processes as critical focus areas. These processes should help to demonstrate a more self assured image and elevate the position of Africa and its states within the international community.

This longer-term objective requires refinement, reappraisal and informed platforms for mature and inclusive exchanges between various stakeholders. It is within this context and understanding that LEAP was formed and the themes for the inaugural conference were chosen.

The 2014 LEAP conference will provide a platform for expert and delegate led discussions on three pivotal legal areas of interest to the continent.

- (1) Land usage and rights in Africa
- (2) The strategic importance of Africa's extractive mineral wealth
- (3) The efficacy of anti-corruption/bribery laws

The target date for the conference is November 2014 (tbc) at the state of the art Law School of Tanzania in Dar Es Salaam.

The LEAP conference will be a high level conference in Africa, providing a unique platform for expert presentations, targeting leadership in governmental and key stakeholder sectors (including the legal sector and civil society organisations). In line with LEAP's overall aim of creating a dynamic structured space for meaningful exchanges, the LEAP conference will provide platforms for expert and delegate led break out sessions on pivotal areas of interest to the continent.

In addition, each LEAP conference shall provide a discussion session at a relevant study institution, offering inspirational impetus for the student sector and confirming the initiative's commitment to adopting an inclusive, socially responsible approach.

The LEAP conference will cover critical areas of policy and practice and organisational strategic planning across governance and the developing sectors.

The LEAP conference will provide governments and other stakeholders with dynamic, firsthand links with those at the global cutting edge of independent academic, legal and professional practice. This will be complemented by LEAP's online platform which will provide a fast, easy and accessible method of both fostering and developing those links and seeking expertise.

There are three important points to note:

- (1) Given the complex nature concerning diplomatic protocol at public events, LEAP considers it both appropriate and prudent to offer a number of break out sessions at the LEAP conference aimed specifically at government officials.
- (2) Other key stakeholders will also have the benefit of targeted break out sessions;
- (3) Neither of these two points should detract from one of LEAP's principal objectives of creating a platform for a broad set of voices to be both heard and listened to at a high level event. At a closing conference session, space will be provided for a summary of the conference, open to all present to participate in and to continue the exchange of ideas, concerns, successes, and networking opportunities.

Venue & Speakers

The inaugural LEAP conference will be held at the Law School of Tanzania, with a target date of 29 - 31 October. Tanzania was chosen as a venue owing to the strategic significance of the regional court institutions present in the country (for example the African Court of Justice and Human Rights, the International Criminal Tribunal for Rwanda and the East African Court of Justice). Equally, organizations and individuals, in the country, have shown keen interest in contributing to this initiative. These include: the Law School of Tanzania, the Law Society of Tanganyika and a number of prominent legal and academic practitioners.



New state-of-the-art Law School of Tanzania

Special mention is reserved for the Law School of Tanzania for providing substantial support for this initiative, including pledging its newly built state of the art law school in Dar Es Salaam as the host venue for the event.

The facilities at the Law School are superb and include a purpose built grand conference hall, two large lecture theatres, numerous study rooms and two operating court rooms. The Law School has large spacious grounds with impressive lawn areas, parking facilities and is situated close to the well known Mwilmani City complex. This venue represents an ideal space for a conference of this nature.

The chosen themes for the conference represent key challenges and opportunities for Africa's current development agenda. The topics warrant close and careful attention from leadership across the continent in conjunction with leading thinkers and practitioners in the identified social/legal fields. LEAP will provide a dynamic, no-nonsense appraisal forum to be conducted under strict Chatham House Rules¹.

The LEAP conference is on course to deliver an exciting and stellar line up of expert speakers, those who can truly be said to be leaders in their respective fields. The structure of the sessions will comprise expert speakers taking part in open floor panel/delegate discussion forums in the morning, which will be followed by break out sessions in the afternoon.

LEAP aims to confirm the full list of speakers by 1st November 2014.

¹ "When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed."

Given the current trends of population and wealth growth in Africa, coupled with the demands of world trade, the pressure on natural resources and land in particular is increasing. The availability and distribution of food, water and energy supplies throughout the continent will determine Africa's future on so many fronts. There should be little, if any, dispute in accepting that Africa requires significant change in terms of its delivery of essential resources to its own populous and the demands of international trade.

The significance that land ownership, usage and rights play in this conundrum cannot be overstated. Polarised positions are taken by governments and big businesses on the one hand and those at risk of, or actually being, dispossessed, together with civil society organisations and activists on the other hand. This can and often does lead to conflict.

The contestation is often portrayed as an attempt to square an impossible circle; of an ever increasing demand for essential resources against protecting important indigenous, sometimes minority, land rights of individuals and communities who are often at the margins of society.

The headline stories of infamous land grabs, resource rich and yet impoverished regions, victories in court, huge pay outs, cover ups, these have been seen by us all. Conversely, large businesses, being job and wealth creators, can bring benefits and solutions to the resources problem.

- What then are the key elements involved in the negotiation and execution of land acquisition arrangements that offer a win win situation for the parties concerned?
- Who may be able to play vital bridging roles between business and communities in setting the climate and mood thus enabling interested parties to arrive at the table aware of the mutual benefits to be derived from calm, structured dialogue?
- Is there a greater need for risk assessment services to be deployed in respect of big business ventures? What advantages could be derived from seeking/receiving more comprehensive advice at the stage of business strategy development? How can such advice be used to save long term costs?
- In light of the headlines is there a need to re-evaluate the forms and type of advice sought and deployed by big business?
- How do all parties better understand and engage with the coexistence of economic development and customary/traditional rights?

The LEAP conference will attempt a hard hitting no punches pulled appraisal of the controversies that surround land usages and rights in Africa.

It is anticipated that the expert and delegate led responses to these issues will form the basis of an action plan to be implemented on an international and regional level.

The extractive industries boom on the newly emergent African continent - resource curse or blessing?

The discovery of substantial natural resources in Africa's extractive industries sector is not an unfamiliar tale. Neither is the vision that such finds will transform the discovering nations. However, the past experiences of many African countries, appears to cast doubt on the idea that such natural resource wealth brings advantages to developing countries, particularly African ones. Individual companies and/or well positioned individuals have done rather well out of these past situations. But has that individual success been replicated on the broader populations? Has there been the substantial uplift to infrastructure, job creation, the environment, the well-being of the general population and all the other areas that such wealth promises to improve?

The 21st century global extractive industry is booming, experiencing continued sustained growth. This wealth has been generated mainly on the backs of huge global demand, continued unrest in traditional oil blocs such as the Middle East and a sustained high price for oil and gas. It is now economically and strategically viable to explore, quite literally, uncharted waters.

These developments are occurring under the watchful eye of an informed global public with global, online access in real-time to enhanced information regarding the activities of these operations, quite different to the often shuttered situations of the past.

As for younger states, including those in Africa, many have begun to focus on the increased gains that can be achieved through well thought out partnerships with large global players in the sector. Moreover, the trend now is that highly skilled technicians and lawyers represent all parties, providing a much more level playing field, diminishing the asymmetry of information so often a feature of the past.

- Given developments in the sector, are recent discoveries of oil and gas in West and East Africa real game changers?
- Are new large-scale resource discoveries, be they minerals or oil & gas resources, a blessing or a curse in the new era of an emergent, better governed and quickly growing Africa?
- Have governance capacities and systems across the African continent grown to a level that enable proper management, governance, stewardship and fostering of the benefits of resource finds?
- Or are the new large scale resource finds destined to expose governance weaknesses and lead to a repetition of many past failures?
- Does resource nationalism protect Africa's resource endowments or diminish their benefit?
- Are Africa's resources better off in the private sector or the public sector's hands?
- Should Africa exploit or conserve its resources?
- How does one ensure that the benefits of Africa's resources are shared by the many rather than the few?
- What part does the public have to do with these outcomes?

The LEAP conference aims to deliver a candid well balanced session that seeks to broaden horizons and to advance innovative approaches to improving the outcomes for all concerned in this important sector. LEAP will encourage delegates to draft a framework of best practice for Africa to be taken forward through the LEAP platform.

There is currently major economic activity throughout Africa, particularly in respect of implementing strategically important state infrastructure. It is plain that state resources, foreign and domestic direct investment and huge human capital, are being spent in this direction. Such developments are clear indicators that African countries are moving in the right direction and more to the point that more of Africa's resources are staying on the continent.

- Why then if the job is getting done is the issue of corruption and bribery so important?
- To what extent are the current national and international laws governing anti corruption and bribery enforced and effective? Are they too stringent? What is the evidence as to their effect on transactional activity and the procurement of goods and services in the private and public sectors?
- How does the increase of good corporate governance impact on how business is done in particular countries?
- How does the perception and treatment of a country differ once it has committed, meaningfully, to ridding itself and its industries of corrupt practices?
- How do individuals within society respond to such developments and how does this ultimately play out in the market place? - Are there visible increases in productivity, better labour relations between management and lower ranking staff - who ultimately benefits?

These questions represents some of the pertinent issues that surround this thematic area. Law may play a huge role in structuring the policing of bribery and corrupt practices; however, the subject matter clearly has wider socio-economic outcomes.

It is posited that such outcomes go toward determining the efficacy of how states function, the productivity and creativity levels of communities in the internal and external market and social and community relations.

The LEAP conference aims to contribute to the recent discussion and learning on this important area. In so doing, LEAP seeks to involve expert practitioners capable of adopting a multidisciplinary approach and assisting the conference in forging realistic, forward thinking responses and action plans to tackle this issue head on.

**LEGAL EXPERT
ACCESS PLATFORM (LEAP)**

Femi Omere
Founder & Director

email: femi.omere@leapplatform.org
mobile: +255 (0) 789 944557

