



## **Dispute Settlement Workshop**

**26 May 2014 | University of Cape Town Business School, Breakwater  
Campus, Cape Town, South Africa**

### **DRAFT PROGRAMME**

Cross-border commerce and trade are vital for the health of the economies of African nations. This involves the implementation of a number of regional trade agreements and protocols which purport to be rules-based. The implementation of the rules is, however, problematic. Private parties (the real traders) have considerable difficulty to enforce their rights and to obtain effective remedies. Their governments of nationality do not litigate against each other and regional courts/tribunals do not, as a rule, allow them standing.

This **tralac** workshop brings together experts, officials, private sector representatives and lawyers from the southern African region to discuss the technical issues, recent cases and possible solutions. The relevant SADC legal instruments will be examined and negotiations about new free trade agreements in southern and eastern Africa will be mentioned. The objective is to explain the relevant principles and institutions and to discuss the way forward.

Practical issues of interest to government officials, legal practitioners and firms involved in regional litigation, trade and commerce will be addressed.

**Monday, 26 May 2014**

08.30 – 09.00	<b>Registration</b> <b>Tea/Coffee</b>
09:00	<b>Welcome remarks: Dispute settlement – an integral part of rules-based governance for regional economic integration</b> <b>Trudi Hartzenberg, tralac</b>
09:15 – 10:30	<b>Session 1: The Development of Community Law in the African Regional Economic Communities</b> <i>Professor Tiya Maluwa, The Dickinson School of Law, Penn State University</i>
10:30 – 10:45	<i>Tea break</i>
10:45 – 12:30	<b>Session 2: The state of dispute settlement arrangements in SADC and SACU</b> <i>Professor Gerhard Erasmus, tralac Associate</i>
12:30 – 13:30	<i>Lunch</i>
13:30 – 14:30	<b>Session 3: Domestic legal remedies in the context of the implementation of regional trade agreements (Administrative Law remedies and access to domestic courts)</b> <i>Professor Dawid van Wyk, Emeritus Professor, Faculty of Law, UNISA</i>
14.30 – 15.30	<b>Session 4: Coping with the special cases: Non-tariff measures and lessons from elsewhere</b> <i>Gerhard Erasmus, tralac Associate</i>
15.30 – 15.45	<i>Tea</i>
15.45 – 16.30	<b>Session 5: Way Forward – how to ensure rules-based trade in Southern Africa. A research, capacity building and advocacy agenda</b>
16.30	<i>Close</i>