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# ECONOMIC INTEGRATION IN THE SADC REGION: IMPLICATIONS FOR LEGAL PROFESSIONALS

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# INTRODUCTION



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The Southern African Development Community (SADC) region, consisting of 16 member states in southern Africa, aims to promote socio-economic cooperation and integration as well as political and security cooperation among its members.

Economic integration in the SADC region has its advantages and disadvantages for various sectors, including legal professionals.

# BENEFITS OF ECONOMIC INTEGRATION

- Expanded Market Opportunities\
- Standardisation of Laws
- Increased Cross-border Litigation
- Specialisation in Regional Laws
- Networking and Collaboration



- Expanded Market Opportunities
  - Expanded Market
    - Larger integrated market
    - More opportunities: mergers, acquisitions, trade disputes, IP rights
- Standardisation of Laws
  - Harmonised Legal Framework
    - Easier navigation of legal landscape
    - Consistent legal practices across countries

# CONS FOR LEGAL PROFESSIONALS

## Challenges of Economic Integration

- Complex Regulatory Environment
- Increased Competition
- Cultural and Language Barriers
- Over-reliance on Regional Matters
- Continued Evolution of Laws

# COMPLEX REGULATORY ENVIRONMENT



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## Navigating the Web of Regulations

- Interplay of national and regional laws
- Constant updates needed

# The Rafoneke Case: Key Findings

- Case: Rafoneke & others v Minister of Justice and Correctional Services CCT 315/21

## Interpretation of Section 24(2)(b)

- The constitutional Court found that section 22 of the Act limited the rights of non-citizens to practice law in South Africa.
- The court however found that section 24(2)(b) of the Legal Practice Act discriminates against Non-citizens in not allowing them to be admitted as legal practitioners purely to be placed on the roll of non-practising practitioners.
- The Court the same section to be non-discriminatory where they wish to practice. In essence they can be admitted but not practice law as a result of both these sections in the constitution and the LPA.

# Other Regulatory Hurdles



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- There are other regulatory hurdles and questions associated with opening up the economy in the region, particularly in the legal profession.

The Following questions remain to be answered:

- Who has primary jurisdiction to regulate a practitioner when acting in a jurisdiction other than where he originates from?
- How is the public going to be protected from malfeasance by practitioners outside of their own jurisdiction?



# The Following questions remain to be answered cont.

- Are the same rules going to be applicable to all about for instance the holding of money or property in trust by practitioners across the integrated legal economy,
- Against whom and to what extent would the public have recourse in the event of losses cause by a practitioner whist in a jurisdiction not of his/her origin

# Conclusion



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In answering these questions, I would submit that the answer to a mixed economy within the legal profession lies in the profession itself and not governments. For instance, if uniformity is found in answering the questions, then and only then could the profession challenge the provisions of section 22 of the South African Constitution and indeed section 24(2)(b) of the Legal Practice Act. I dare say the integration of the economy in the Legal Sector is still many years away unless we as a profession proactively find solutions and ensure the creation of a new chapter that will prosper for all.

# The End

