



International Senior
Lawyers Project

Program Highlights from Africa

ISLP Newsletter, June 2022 Edition



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Update from the Team

ISLP has a new office and new team members!

Come visit us in our new space in the Chelsea neighborhood of New York City, where we are surrounded by a wonderful creative buzz!

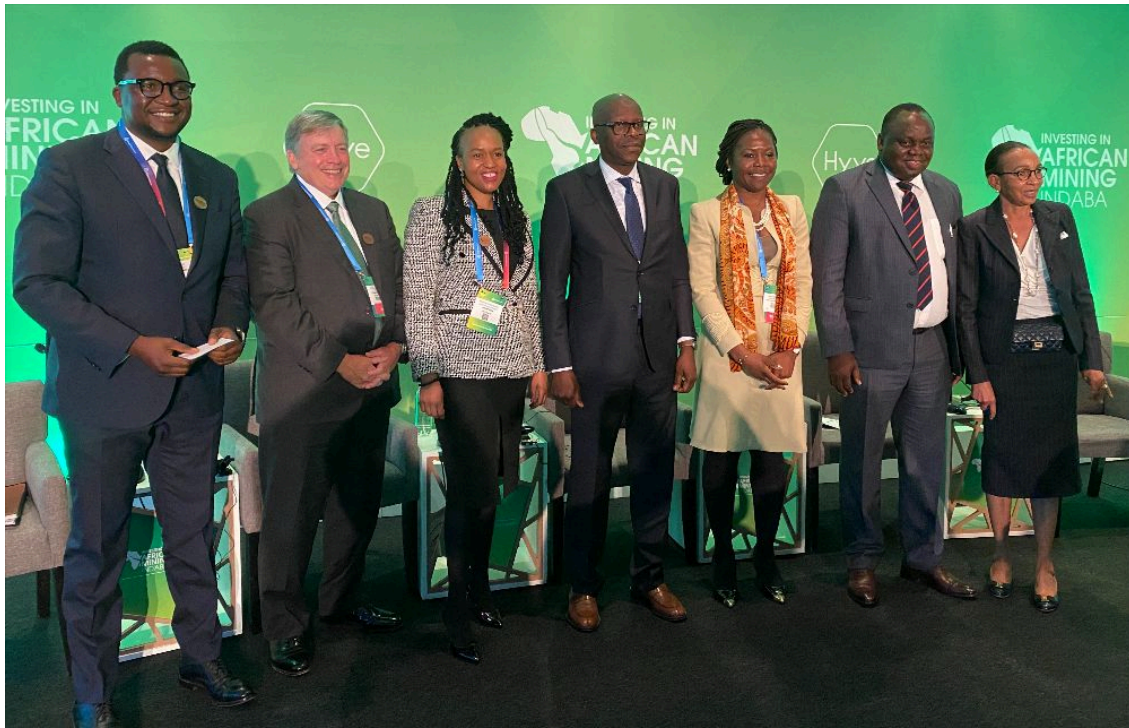
We've recently welcomed Glory Kinyua (based in Nairobi, Kenya), Program Associate with our Government Engagements team; Felipe Franco (based in Bogotá, Colombia), short-term Legal Consultant with our Civil Society team; and Nina Macapinlac (based in New York City), part-time Communications and Operations Assistant. We are also incredibly lucky to have a fabulous contingent of six summer law fellows and interns this year - a record for us! Please check out our team's bios on our [website](#) to learn more.

Additionally, we are hiring a new Program Officer with our Civil Society Engagements team. You can see the listing [here](#).

ISLP at Key Convenings on Mining in Africa

Last month, ISLP participated in both the Investing in African Mining Indaba and the contemporaneous Alternative Mining Indaba in Cape Town, South Africa. The events provided unparalleled opportunities to meet in person with government, civil society organizations, and other partners and mining experts to discuss salient developments informing and shaping African countries' efforts to manage precious natural resources.

Over 6,000 government officials, mining experts, investors, and others attended the week-long Investing in African Mining Indaba. The convening featured addresses from several African heads of state and senior officials, as well as thought leaders from the extractives sector. Sessions covered a range of topics including regional cooperation, creating inclusive opportunities for a just energy transition, the role of battery metals and critical minerals in the energy transition, innovations in mining technology, and ESG investing.



The panel "A New Lens on State Equity Participation: Assessing Africa's Risks and Rewards in a Changing Global Context" features Ronald Chari of the World Bank, Scot Anderson of Hogan Lovells and ISLP Volunteer, Ntsiki Adonisi-Kgame of the Natural Resources and Environment ENS Africa, Aboubacar Kagbè Touré of SOGUIPAMI, Nneoma Veronica Nwogu of the World Bank, Hon. Paul Chanda Kabuswe of the Republic of Zambia, and Sheila Khama, formerly of De Beers Botswana/Development Partner Institute.

The Indaba also occasioned the launch of an ISLP project produced in partnership with the World Bank and the African Legal Support Facility (ALSF): the [Toolkit for State Equity Participation in Mining Companies](#). ISLP volunteer Scot Anderson of *Hogan Lovells* served as lead drafter on the project, which complements the [Toolkit on Local Development & Community Engagement In Mining Projects](#) that is part of the African Mining Legislative Atlas (AMLA). "The toolkit includes a comprehensive survey of the laws of each country related to state equity participation," Scot writes in his summary of the Toolkit. "Additionally, the toolkit reviews and discusses the key issues related to equity participation, including the effect of state equity participation on other elements of the fiscal regime, the rights and duties of the state or state-owned mining company as a shareholder or equity holder in a mining venture, and how to design and implement a corporate governance structure that reflects the dual role of the state as a regulator and an investor. The toolkit ... sets out the advantages and disadvantages of alternative approaches to equity participation." **To read more about the AMLA and the State Equity Toolkit, please see Scot's full summary on our [website](#).**

The parallel Alternative Mining Indaba event brought together civil society organizations from around the world to exchange insights, strategies, and information relating to concerns such as transparency and accountability, human resettlement, environmental protection, and civil society engagement in natural resource management decisions. ISLP executive director Sara Lulo met with a number of our partners at the Alternative Mining Indaba, including the Zimbabwe Environmental Law Association (ZELA), Transparency International-Kenya, and Southern Africa Resource Watch (SARW).



ISLP Executive Director Sara Lulo (right) poses with Bernard O.C. Malingu, President of East Africa Law Society and Loyola Rwabose Karobwa, Mining Lawyer of the Ugandan Ministry of Energy and Mineral Development.

A recent example of ISLP's mining-related legal support to civil society is the recent publication of the [Zimbabwe Fiscal Regime for Platinum](#), developed in cooperation with SARW. Drawing upon the legal expertise of ISLP volunteers from Hogan Lovells, the publication evaluates Zimbabwe's current fiscal regime related to platinum production and benchmarks elements of the regime against international best practices. With one third of the world's platinum reserves, Zimbabwe's development of this resource will be critical to its economic growth. This publication highlights the gaps that exist in Zimbabwe's mining law and provides recommendations for alternative legislations. The research informs key engagement and advocacy points for civil society to engage the government of Zimbabwe in the ongoing process of review of the mining laws in that country.

Through both our Government and Civil Society practices, ISLP is proud to mobilize expert legal support to complement and enhance both government and civil society efforts to manage natural resources in a manner that benefits a country's people while mitigating environmental and social harms.

Digital Rights Defenders in Mozambique get a Boost from ISLP's Media Law Working Group

ISLP has partnered with [Media Institute of Southern Africa - Mozambique \(MISA Mozambique\)](#) chapter to launch a series of initiatives to support freedom of expression through digital and human rights. Media freedom is of significant concern in Mozambique; the country was ranked 116 out of 180 countries in the Freedom of the Press and Expression Ranking published by Reporters Without Borders International in 2022. Between 2019 and 2020, MISA-Mozambique registered six cases of journalists and newspapers facing lawsuits apparently aimed at silencing public criticism. As Mozambique considers new legislation punishing “cybercrimes,” there is concern that analog prosecutions could increase exponentially under a new cybercrime law and this would have the effect of imperiling freedom of expression.

It is within this context that, with funding from [UNESCO's Global Media Defense Fund](#), ISLP partnered with MISA-Mozambique to present a training session for local media lawyers to support local capacity for defending journalists. The session was the first in a series of three workshops aimed at improving participants' understanding of both local and international frameworks and arguments for defending human rights where online communications are concerned. Discussants also addressed questions about gender-based discrimination and other issues facing women journalists and media professionals in conducting their work. ISLP volunteer Kay Murray of *Baron Harris Healy* held a live interview with her client, Pulitzer Prize-winning investigative journalist Sally Keaton, who spoke from personal experience about navigating practical hurdles in her investigative work. ISLP's Media Law Working Group chair Richard Winfield also outlined international human rights law arguments used in ISLP amicus curiae briefs that have proven persuasive, and urged local lawyers to consider incorporating such interventions in cases involving defense of freedom of expression.

Additionally, earlier this month, in collaboration with [MISA Mozambique](#) and with funding support from the [Fund for Global Human Rights](#), ISLP held a capacity-building session for civil society organizations on cybersecurity and data protection legislation for Mozambique. The session's focus was the threat to human rights that newly enacted and proposed cybersecurity and data protection laws have had in neighboring countries. Speakers highlighted the fact that certain governments around the world have rushed the adoption of such laws without adequate consultation with civil society, and these laws have now been used to silence government critics and violate the right to freedom of expression. Speakers cited concerning examples of cybercrime laws on the books in Uganda, Lesotho, Zambia, and Zimbabwe. MISA, with the assistance of ISLP, is currently leading a coalition of civil society organizations that are working with the Mozambican government to develop a local legal framework for cybersecurity and data protection. The webinar, which was developed specifically for civil society actors, brought together media law experts from different African countries and the US - including ISLP's Media Law Working Group chair Richard Winfield and volunteer Greg Gonzalez of *Wilkinson Barker Knauer* - to share practical

considerations of data protection and freedom of expression in the context of cybersecurity laws.

The session was reported on by VOA Africa and is available [here](#). The ISLP segment begins at the **16:30 minute mark**.

Ways to Get Involved



About ISLP

The International Senior Lawyers Project (ISLP) is a registered 501(c)(3) non-profit and non-governmental organization founded in 2000. Our mission is to provide pro bono legal support to governments, civil society organizations, and social enterprises in the Global South on matters that advance the rule of law and just, accountable, and inclusive economic development.



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