

VOTE OF THANKS

BY HONOURABLE LADY JUSTICE C. L. PHIRI

AT OPENING OF THE 2022 JUDICIAL CONFERENCE

ON

29TH NOVEMBER, 2022

HELD AT AVANI VICTORIA RESORT

LIVINGSTONE, ZAMBIA

Your Excellency, the President of the Republic of Zambia, Mr. Hakainde Hichilema, the Honourable Chief Justice of the Republic of Zambia, Dr. Mumba Malila, SC, the Honourable Chief Justice of the Republic of Zimbabwe, Mr. Luke Malaba, the Honourable Deputy Chief Justice of the Republic of Zambia, Mr. Michael Musonda, SC, the Honourable Deputy President of the Constitutional Court, Professor. Margaret Munalula, the Honourable Judges of the Supreme Court and the Constitutional Court, the Deputy Judge President of the Court of Appeal, Mr. Chalwe Mchenga SC, the Honourable Judges of the Court of Appeal and the High Court present, the Chief Administrator of the Judiciary, the Chief Registrar and Director of Court Operations, all Registrars present, all Deputy Directors present, their Worshipships present, distinguished resource persons both foreign and local, invited guests, ladies and gentlemen.

It is with a deep sense of honour, privilege and gratitude that I deliver to you, your Excellency the President of the Republic of Zambia, a vote of thanks on behalf of His Lordship, the Honourable Chief Justice of the Republic of Zambia, the Judiciary and all other conference participants.

Your Excellency, Mr. President, allow me to express our profound gratitude to you for taking time off your very busy schedule to

officially open this conference whose theme is “A Responsive and Accountable Judiciary”. We are exceedingly delighted that you accepted the invitation to grace this occasion. Your Excellency, kindly allow me to take this rare opportunity, on behalf of the judiciary and indeed on my own behalf, to congratulate you on your election to the office of Republican President, albeit belatedly.

Your Excellency, in your speech you have ably given a synopsis of the crucial role that the judiciary plays in a democratic dispensation. Your Excellency has rightly pointed out that the mandate which the Judiciary holds is reposed in the people of Zambia therefore the Judiciary is entrusted to exercise it on behalf of the people.

Your Excellency, in your speech, you have demonstrated that the focus of your government’s support to the judiciary lies in legal reforms, enhanced access to justice and judicial autonomy. This approach is one that is agreeable as it shows a holistic approach to ensuring that the judiciary remains a relevant player in democratic governance.

Your Excellency, you have also outlined the various legal reforms that are being undertaken by your administration. The amendment and enactment of legislation that speaks to the changing needs of

society is no mean feat. The commitment that your Excellency's administration has demonstrated, so far, cannot go without mention and commendation. It takes immense political will to ensure that laws are reflective of and responsive to societal demands. Your Excellency, it is indeed exciting to learn that the narrative of an enhanced Bill of Rights remains on the government's agenda.

Your Excellency, in your speech you have also talked about the enactment of the Children's Code Act. You have highlighted the various challenges it currently poses in its implementation. Regardless of the status quo, your Excellency may wish to know that the Judiciary is a keen and active partner in ensuring that the rights of children and juveniles are protected. In that regard judicial officers are already applying the provisions of that law to the most practical extent possible. It is endearing to note that juvenile justice is an area of focus for his Excellency's administration. Afterall children are the future.

Your Excellency, it is pleasing to note that recognition has been given regarding the Judiciary's efforts to enhance equal access to justice by the establishment of High Courts in all the Provincial centers in Zambia. Equally, it is of great comfort to note that his Excellency's administration recognizes that without infrastructural

and financial support the efforts of the judiciary may as well be futile. The theme of this year's Conference resonates with the aspirations of your Excellency's administration as it seeks to discuss issues that are pertinent to access to justice.

Your Excellency, your commitment to ensuring that there is the rule of law is shown in your belief for judicial autonomy. You have adeptly shown, with your clear reference to Constitutional provisions, that you fully understand the synergy that exists between institutional independence and accountability. Your Excellency, you have not shied away from pointing out that while there are many areas where the Judiciary has scored high, they are times that we have fallen short resulting in the loss of public confidence in the institution. Your Excellency, you may wish to know that these sentiments are not lost on us. Collectively, we seek to strive to come up with mechanisms that reflect the impartial and sober approach that we have to the dispensation of the judicial authority that has been bestowed on us by the people of Zambia. Your Excellency, we remain resolute in our commitment to carrying out our constitutional mandate.

Your Excellency, it is also gratifying to note that you have taken a keen interest in ensuring that the conditions of service for judges, which in many instances have remained only partially

implemented, are urgently addressed. While it has never been the pre-occupation of judges to pursue their conditions of service at the expense of delivering justice, it is only reasonable that they too equally enjoy the benefits of the law.

Your Excellency, allow me at this juncture to convey our heartfelt gratitude to His Lordship, the Honourable Chief Justice of the Republic of Zambia Dr. Mumba Malila SC for granting us these five days from the judicial calendar to attend this auspicious convocation. It presents not only as an opportunity to learn and refresh our memories regarding various legal and governance issues but also it will be a time to interact with fellow judges and other judiciary staff, which is not always possible when we are back home.

My Lord, the Chief Justice, in your inaugural remarks to all members of the judiciary, made on 22nd December 2021, and indeed, at almost every occasion thereafter you have emphasised the need for accountability in the delivery of the judiciary's mandate. It is therefore not surprising that the first conference you are hosting, in your capacity as Chief Justice, is centered around the theme of accountability. My Lord, the meticulous line up of topics for discussion will definitely present an opportunity for some candid conversation which we look forward to.

We extend our deep gratitude to you, my Lord the Chief Justice of Zambia, for the very warm welcome you have extended and the splendid facilities availed to us. Rest assured, my Lord Chief Justice, that your generosity in availing us this opportunity will not be wasted.

A special word of thanks extends to His Lordship the Chief Justice of Zimbabwe, Mr. Luke Malaba for taking time out to join us for this conference. Welcome to Zambia my Lord (or should I say welcome back). You are no stranger to this jurisdiction as yours and ours are almost identical. Kindly enjoy your stay with us.

I would be failing in my duties if I did not recognize the work that has been put in by the Chief Justice's Advisory Committee on Training and Continuing Education led by Honorable Mrs. Justice Mugeni Mulenga and her secretariat. The quality of the programme and presenters is a clear reflection of the dedication the team has had to ensuring the success of the Conference. In addition, let me also thank the Chief Administrator and her team for the tireless efforts put in place to ensure that all logistical and financial issues are seamlessly addressed.

In conclusion allow me to convey my gratitude to the management and staff of the Avani Victoria Falls Resort for their excellent hospitality.

Your Excellency, the President of The Republic of Zambia allow me to thank you once again for finding time to be with us today.

Thank you.