



Malawi Judiciary

ACCEPTANCE SPEECH

BY

**THE HONOURABLE THE CHIEF JUSTICE RIZINE R.
MZIKAMANDA, SC**

AT

**THE CONFEREMENT OF AFRICAN BAR ASSOCIATION
2023 MEDAL OF MERIT LEADERSHIP ON THE MALAWI
SUPREME COURT BENCH**

AT

**THE UNIVERSITY OF SOUTH AFRICA, PRETORIA,
REPUBLIC OF SOUTH AFRICA**

7TH AUGUST, 2023

1. Your Excellency Dr. Cyril Ramaphosa, President of the Republic of South Africa and Special Guest of Honour, represented here by the Minister of Justice and Correctional Services, Mr. Ronald Lamola, Your Excellency Nana Dankwa Akufo-Addo, President of the Republic of Ghana, Your Excellencies, Your Lordships, Chief Justices from various jurisdictions, Professor Puleng Lenkabula, Principal and Vice Chancellor of the University of South Africa, Mr. Hannibal E. Uwaifo, President of the African Bar Association, Distinguished Delegates, Ladies and Gentlemen, allow me to stand on the protocol list earlier established by the Director of Ceremonies.

2. I am here with my delegation to accept and receive the **“2023 Medal of Merit in Leadership”** award generously conferred on the Malawi Supreme Court of Appeal by the African Bar Association. It is our understanding that the Association’s Governing and Executive Council’s meeting in Algiers, Algeria, in April 2023, unanimously resolved to award this year’s prestigious award to the Malawi Supreme Court of Appeal Bench. Accepting and receiving such a highly prestigious award is a high moment for me and my delegation, as it is for the entire Malawi Judiciary and the nation of Malawi.

3. It is humbling to learn that this Honour is in recognition of the Leadership role the Malawi Supreme Court of Appeal bench has played and continues to play in the Promotion of the Rule of Law, Judicial Independence and the Principles of Separation of Constitutional Powers in Africa. We are even more elated to learn that the Malawi Supreme Court of Appeal has an enviable record which the African Bar Association deeply appreciates and cannot be seen as ordinary, especially against the background of the records of most judicial institutions across the African continent. For us, nothing can be more gratifying than this at this point in time.

4. In case there are those having difficulties in locating Malawi on the African continent, the record must show that it is a small common law jurisdiction with a humble economy in the Southern part of Africa. Mozambique, Tanzania and Zambia are her closest neighbours. Our most treasured characteristic is that we are a peaceful, warm-hearted people committed to democratic governance as we endeavour to entrench constitutionalism, the rule of law and good governance. This continental award is a reminder that the Malawi story needs to be told, and told well, regardless of her small size and humble economy.

5. Your Excellencies, Distinguished Delegates, Ladies and Gentlemen, the Malawi Judiciary, as a bulwark of the Rule of Law in the country, continues to play its pivotal and constitutional role in the consolidation of democracy, entrenchment of constitutionalism and the rule of law for good governance and effective delivery of justice and judicial services. Our commitment to these ideals is not a one-off event, but has remained our guide since the dawn of multiparty democracy and the current constitutional set up nearly three decades ago.

6. Your Excellencies, Distinguished Delegates, Ladies and Gentlemen may care to know that in 2020 the Malawi Judiciary, through a five-member panel in the landmark constitutional case on the 2019 Presidential Elections, received another much-coveted award of the 2020 Centenary Chatham House Prize in recognition of the bench's courage and independence in defence of democracy. It was said that the Judges had set an example for their peers across the world by upholding the centrality of the Rule of Law and Separation of Powers. This was indeed a historic achievement to be cherished for a long time to come.

7. As to our commitment to the doctrine of Separation of Constitutional Powers, this august gathering will be interested to know that in June 2023, His Excellency the President of the Republic of Malawi, as head of the Executive, the Right Honourable Speaker of Parliament, as head of the Legislature and the Chief Justice of the Republic of Malawi, as head of the Malawi Judiciary, co-hosted a two-day successful National Conference on Separation of Powers. The Conference highlighted the importance of entrenching constitutionalism and the rule of law as the country continues to consolidate the democratic gains of the past three decades.

8. Now, we are here to accept and receive this highly prestigious continental award for which we are truly grateful. The award means a lot to the bench, the Malawi Judiciary and the people of Malawi. The news of the award came unexpectedly for us. As this august gathering might be aware, Judiciaries are really not in the business of engaging in competition to expect awards along the way. They do not go looking for honours or accolades. In so far as we aware, Judiciaries are preoccupied with adjudicating cases, dispensing justice and making every effort to deal with the perennial challenges of delay and backlog of cases. To be sure, Judiciaries around the world are accustomed to receiving sometimes very scathing criticisms, including some unfounded criticisms which we often suspect are driven by ill motives to embarrass and weaken the Judiciaries' resolve to do justice to all manner of people without fear or favour, ill-will or affection. A prestigious award of the nature we are receiving today is not only a surprise, but also a breath of fresh air that is a source of pride, confidence and inspiration.

9. Your Excellencies, Distinguished Delegates, Ladies and Gentlemen, allow me, therefore, to most profoundly thank the African Bar Association, a highly respected continental body of lawyers and national law societies for unanimously deciding to confer on us this highly prized award, **“the 2023 Medal of Merit in Leadership.”** This is an award which we will cherish for a long time for we know it will spur us to always strive to improve the delivery of justice and judicial services to all who approach our courts. We want to dedicate this award to the entire Malawi Judiciary and to the people of Malawi.

10. The delegation I have brought along with consists of the Judge President of the Court, two Assistant Registrars and a Chief Law Clerk who service the Court, to witness the event on their own behalf and on behalf of those who would have loved to come but for logistical constraints. I can assure this distinguished gathering that the entire Supreme Court of Appeal Bench was so excited about the news of the award that they would have loved to be here to witness the event. Our excitement about this award is immeasurable and we want all to know that we are proud to receive it.

11. I must close by stressing that we place high value on the award and that it will remain an inspiration for us to stay the course and strive to serve people better going forward.

12. Your Excellencies, Distinguished Delegates, Ladies and Gentlemen, I thank you most sincerely for your kind attention.