

SPEECH BY DR MARGRET SIKWESE, CFJ BOARD CHAIRPERSON
AT THE ‘STRENGTHENING THE RULE OF LAW IN MALAWI’
WORKSHOP: 13th MARCH 2013, SUNBIRD CAPITAL HOTEL,
LILONGWE.

Your Excellency the State President of the Republic of Malawi, Dr. Joyce Banda

Your Excellency Chief Justice Richard Banda, SC (retired)

The Right Honourable Vice-President, Khumbo Kachali

The Right Honourable Chief Justice Lovemore Munlo SC

The Acting Clerk of Parliament, Mr Njolomole

Professor Emil Constantinescu, Former President of Romania and Board Member, World Justice Project

Mr William H. Neukom, Founder, President and CEO of the World Justice Project

Leaders of Political Parties, Hon. Tembo and Hon. Muluzi

Honourable Cabinet Ministers, Members of Parliament, Judges, Members of the Diplomatic Corps, Civil Society Actors, and Distinguished invited guests, Members of the media

Ladies and Gentlemen

Preamble

I am humbled to stand before this very distinguished forum to represent the Board members and staff of Citizens for Justice in welcoming all of you to this workshop on Strengthening the Rule of Law in Malawi.

Firstly, I would like to extend our appreciation to your Excellency for availing yourself to this very important debate in the history of our nation. Some leaders would hesitate to participate in these kinds of debates as they are perceived to be tricky. Your presence here therefore marks and speaks volumes of your appreciation and commitment to the Rule of Law.

Secondly, I would like to extend my sincere appreciation to the World Justice Project for having the confidence and trust in Citizens for Justice to partner with in hosting this workshop. We don't take this for granted and we look forward to a stronger partnership.

Thirdly, I want to give special recognition to the secretariat of Citizens for Justice for bringing together this very diverse group of participants in one house. The Director, Mr. Mwangonde, kept on sharing with the Board about the importance of diversity and inclusiveness in these kinds of discussions.

In the same vein, my humble appreciations also go to all the very distinguished participants gathered here, who have left very important day-to-day activities and travelled from near and far to attend this workshop. I hope that you will engage candidly as you deliberate in the next day and half to come up with a plan of action as we move towards strengthening the Rule of Law in Malawi.

Main speech:

Your Excellency, all protocols observed, my humble duty is to welcome all of you to this workshop. However, before I sit down, Please allow me to say three things: (a) Firstly, about Citizens for Justice-(CFJ) (b) secondly – about CFJ’s interest in the Rule of Law and (c) thirdly - about this workshop.

A. (About CFJ)

Citizens for Justice- (CFJ), was established in 2005 as a non-profit organisation to advocate for Good Governance, Environmental, Economic and Social Justice in Malawi. I must state that, CFJ was originally established with the aim of filling the gaps that existed at the time - of lack of organizations advocating for the rights of communities affected by environmental challenges emanating from the extractive industries---in particular - mining. For those that know CFJ, they will testify that we have been at the centre of debates on mining issues in this country and our interest continues to grow.

As an organisation we believe in engagement, hence we have developed relations with Ministry of Mines as well as with the Ministry of Finance, especially now that CFJ is a member of the Extractive Industry Transparency Initiative –(EITI) steering committee which is chaired by the Revenue Division of the Ministry of Finance. Our interest in revenue transparency falls under our thematic intervention on Economic Justice.

In this regard, I am pleased to announce that CFJ will be hosting a regional conference on Business and Human Rights for the SADC region in June, 2013. This conference will bring together key NGOs, mining, oil and gas companies and government representatives to talk about the United Nations Guiding Principles on Business and Human Rights. We are humbled that we will be receiving the support and collaboration of the Danish Institute for Human Rights and the United Nations Working Group on Business and Human Rights while hosting this workshop.

Let me also state here that CFJ, employs a human rights based approach to ensure that development furthers the realization and principles of equity, participation, empowerment, non-discrimination, accountability, transparency, rule of law and environmental sustainability.

(B – our interest in the discussion of strengthening the Rule of Law)

Your Excellency, as I already indicated earlier on, one of our thematic areas is Good Governance, which found applicability in our work on the mining industry. This is because we realised that without good governance, Malawians cannot benefit from the country's natural resources.

Our view of good governance is based on, among other factors, the separation of powers and the institution of checks and balances. But this will only happen if there is Rule of Law in the country – that is, when no one is above the law. We therefore find good governance at the core of our work and hence this workshop.

Your Excellency, ladies and gentlemen. It is in that context that CFJ started engaging the three arms of government on Rule of Law issues. In September 2011, we hosted a very successful Judges Symposium at Sunbird Nkopola Lodge in Mangochi to discuss Economic, Social and Cultural rights. The meeting was highly attended by High Court and Supreme Court of Appeals judges, the Law Commission, Malawi Human Rights Commission. In addition, the meeting also drew Judges from the SADC region. I must also state, that recommendations from that meeting have contributed to the call for this meeting. In future, we are planning to engage magistrates across the country to create awareness on Economic, Social and Cultural rights. We look forward

to receiving the support and the collaboration of the Judiciary, the Ministry of Justice and other stakeholders.

In addition, CFJ has also engaged members of parliament and we have held a number of meetings with Parliamentary committees' members about their oversight role. We have also engaged chairs of different parliamentary committees to explore capacity-building interventions.

(C. About this Workshop)

Your Excellency, in terms of this workshop, I totally agree with what President Neukom said last night in one of our discussions that this is not about pointing fingers at Malawi. Indeed, it is about understanding where we are in as far as the WJP's Rule of Law Index is concerned and charting the way forward about where we, as a nation, would want to be and how we intend to get there. It is about making deliberate decisions and plans of actions to get us where we want to be.

Your Excellency, in coming to this workshop, you are assuring us of the commitment that your arm of government is making to the Rule of Law and there can never be a good time to talk about Rule of Law in Malawi than today. We strongly believe as an organisation that the three arms of government ought to engage with each-other but also check on each-other. In a nut-shell,

our interest as CFJ in this discourse, is to act as a stimulus in provoking and contributing to discussions on the Rule of Law.

Your Excellency, distinguished guests, ladies and gentlemen. This meeting therefore acts as a good platform for Malawians from all walks of life to come together and talk about the Rule of Law and we strongly believe that this has to involve people from diverse sectors. As Citizens for Justice, we look forward to working with government and different partners in driving these discussions.

Lastly Your Excellency Let me once again thank you for your interest and commitment to strengthening the Rule of Law and I wish you God's blessings as you lead this country.

THANK YOU