

The World Justice Project (WJP) & Citizens for Justice (CFJ)
“STRENGTHENING THE RULE OF LAW IN MALAWI”
12-14 March 2013

Remarks by U.S. Ambassador Jeanine E. Jackson

The rule of law is the underlying framework that makes possible the development of prosperous and fair societies. It is a concept within which no person — and no government—is above the law, where laws protect fundamental rights, and where justice is accessible to all.

Malawi has come a long way in developing the rule of law, and its story can be told from many perspectives.

According to the World Justice Project’s Rule of Law Index, Malawi ranks fourth in the region in civil justice; and Malawi ranks fourth in order and security. This indicates that not only are its people safe, but that they do not resort to violence to address grievances. Both safety and non-violence are hallmarks of societies which are based upon respect for the law and respect for the institutions charged with implementing the law.

However, like every nation, Malawi faces tough challenges. It ranks lower on the World Justice Project’s Rule of Law Index in the area of fundamental rights (ranking 81st globally and 12th in the region). For example, the report states that protection of due process and the rights of the accused are areas of concern, as is the protection of labor rights. Addressing such issues, while a significant challenge, is an essential task for this rapidly growing nation.

In the words of Arthur Chaskalson, former Chief Justice of South Africa, *“If the rule of law is to have any meaning at all as a constitutional principle, it must have a substantial element of protecting fundamental rights. Where there is a culture of respect for the rule of law, it is a bulwark against injustice.”*

This culture of respect will be vital to ensure that all citizens of the Warm Heart of Africa enjoy fundamental human rights.

However, data can only tell us part of the story: the rest of the story must be written by a country’s people. Today, Malawi is poised to serve as an example of a strong and prosperous African nation. After a monumental year of transition, positive change can be seen in many sectors. The fact that all sectors of Malawian society will gather together to discuss the hard issues surrounding the rule of law demonstrates that Malawi’s citizens are charting a new course for the future. The task during the next two days is to direct positive energy toward a future where the effective rule of law helps reduce corruption, enhance education, strengthen the ability of businesses to create jobs, expand the economy, and allow government and the judiciary to function well for the people they serve. Every action counts, and no action is too small.

The rule of law is for everyone and by everyone. Nobody is exempted from the rule of law if she or he wants to live in a community of empowerment, equity, prosperity and opportunity. No one is above the law. The principles, rights and protections of the rule of law are the same for the farmer in Kasungu, the manufacturer in Blantyre, the miner in Koronga, the journalist in Lilongwe, the policeman in Mzuzu, the educator in Zomba and the nurse in Mangochi. Protecting the rule of law is the duty of elected officials, civil servants and civil society. All must embody the significance of the rule of law in their daily lives by respecting the rights of others, rejecting corruption, and pushing for clear laws and their fair enforcement.

You and those gathering tomorrow are poised to write the next chapter of Malawi's history. As lawyers, journalists, doctors, government officials, civil society and business owners, you each have a great deal to contribute to the story that will be told to future generations about how Malawi became a nation of equity, opportunity and prosperity... a nation of the people, by the people and for the people.

Limodzi ti kutukula dziko la Malawi. Zikomo Kwambiri!