

**His Excellency President Lazarus McCarthy Chakwera, President of the Republic of Malawi;**

**Excellencies and Honoured Guests;**

**His Honour Justice Rezine Mzikamanda; Chief Justice of the Malawian Supreme Court; Associate Justices, and Members of the Malawian Judiciary;**

**Honourable Minister of Justice and Officials of Government Present;**

**Comrade Barrister Hannibal Uwaifo SAN, Distinguished President of the African Bar Association (AFBA); other Officials of the ABA present;**

**Comrade Barrister Patrick Mapaka, Distinguished President of the Malawi Law Society, our Gracious Host of this year's Conference;**

**Cllr Sylvester D. Rennie; President of the Liberian Bar Association; Officials and members of the Liberian Bar Association ; and members of the Liberian delegation present;**

**My Colleagues, Fellow Lawyers Gathering from across our mother land- Africa;**

**Other Professional Fraternities honouring our invitation to this Annual Conference;**

**Business Executives;**

**Trade & Commerce Organisations;**

**Workers' Unions;**

**Civil Society Leaders;**

**Religious Leaders;**

**Traditional Chiefs, Rulers and Elders of Malawi;**

**Members of the Press;**

**Distinguished Ladies and Gentlemen;**

I salute each of you present today with the outmost respect; but it would be remiss of me were I not to give my Highest Praise to YAHWEH; the giver and sustainer of Life. For each day I live, I am exceptionally grateful to HIM – for the simple yet most precious gift of LIFE; without which we would not be gathered here today.

I thank Yahweh for the privilege of allowing all delegates a safe passage to Malawi; most especially the Liberian delegation and I; who came from Monrovia with a safe and unhindered passage to this beautiful Land, dubbed the warm heart of Africa.

To GOD belong all Praise.

AMEN.

#### FELICITATIONS

**Please permit me a moment to appreciate All of those who have made this gathering of African Eagles possible.**

To the Father of this great Nation – Malawi; H.E. President Lazarus McCarthy Chakwera, I bring you warm felicitations from your brother H.E. President George Manneh Weah, and the gracious people of Liberia. His Excellency has asked me to convey his prayers and best wishes to you and your government; as you genuinely lead the charge to make your beloved Nation, Malawi, one of Africa's stellar examples of Good Governance, Development, Equality, Unity and Peaceful Coexistence under the **RULE OF LAW**. By your commitment to the time trusted values of nation building; your action continues to sow new seeds of hope for a brighter and more secured future for the Malawian people; and posterity will provide you a place in the African Hall of Great Leaders.

Your Excellency, it is President Weah's hope that you will visit Liberia sooner, rather than later; as each Nation on the Continent endeavours to secure the collective future of our sons and daughters through closer collaboration and mutually rewarding partnerships for building the AFRICA OF OUR DREAMS for ourselves, our children and posterity.

Your Excellency President Chakewara, please permit me; on behalf of the African Bar Association (AFBA); and in my own name; to express our profound gratitude and appreciation to You, your Government and the gracious people of Malawi; for the magnanimity of such heart-warming hospitality we have received since our arrival to this beautiful and blessed Nation.

For these and all other courtesies which I am certain will be extended during our stay here in Lilongwe; we are truly grateful.

Please allow me to say on behalf of us ALL - in the Malawian way – Zikomo.

To our official host, the Malawi Law Society, under the esteemed Leadership of Comrade Barrister Patrick Mapaka, the Honourable President of the Malawi Law Society; please accept our profound gratitude for being the host of this year's 2022 AFBA Annual Conference.

We also thank you for warmly, for welcoming all of us from across the Continent to your beloved homeland. Thus ensuring that this week will not only be the most memorable one in recent history; but that we will leave these shores reinvigorated to collectively transform AFRICA's Legal Landscape in preparation for the Green African Industrial Revolution.

And last, but never the least; permit me to thank the Leadership of the African Bar Association under the extraordinary stewardship of Comrade Barrister Hannibal Uwaifo SAN; our Illustrious President for convening this 2022 Annual Convention here in Lilongwe; and for affording me this unique opportunity to be a part of this august occasion; firstly as a Female Lawyer, and secondly as the Keynote Speaker of this year's Conference, under the Theme: **"Instituting an enduring Legacy of transparent and accountable governance in Africa: Basic Issues and Road- map"**.

Comrade President, please note that this opportunity is a rare privilege; which I do not take lightly. For I believe that this is perhaps another enduring legacy under your leadership of the AFBA; to choose a sitting female Vice President; who is also a part of the African Bar Association; for this Role.

Though I am truly grateful from the bottom of my heart of your choice of me; I am keenly aware that there are many, many more qualified and proficient than I; who could have performed this task. It is therefore a double blessing as it exemplifies – the new trajectory of inclusion and equality in the AFBA. Thus showing by example, that under your leadership; the AFBA IS PREPARED TO ASSUME ITS FULL RESPONSIBILITIES AS SOCIETIES' LYNCHPIN, BY BEING INCLUSIVE AND EQUITABLE. I thank you.

Comrade President, though I am truly humbled by this distinction bestowed upon me today, permit me to say - more importantly- that it is my solemn prayer that my perspective shared at this conference, joined by the perspectives of many others proffered during this Conference; will reshape the necessary new trajectory of the **RULE OF LAW ON THE AFRICAN CONTINENT**. Thus securing the establishment of an enabling, equitable, just and accessible environment under the framework of Good Governance and the Rule of Law for the Growth and Development of our beloved AFRICA; for if we truly want a paradigm shift – it must begin with us.

Your Excellency President Chakewra; Officials of the Malawian Government present, **Comrade Barrister Hannibal Uwaifo SAN and the Distinguished** members of the **AFRICAN BAR ASSOCIATION** from across our Continent; Our SPECIAL GUESTS; Distinguished Ladies and Gentlemen; the theme of this year's conference is:

**“Instituting an enduring Legacy of transparent and accountable governance in Africa: Basic Issues and Road- map”.**

As we consider this theme – I hope you will agree with me, that there can be no better theme chosen by the AFBA for discussions at this moment in time than this one. Especially in light of current global challenges, uncertainties and fears on the one hand; and the critical need to build socio-economic stabilisation platforms at Regional and Continental levels for the self-preservation, development and peaceful coexistence of those on our Continent; considering that our Continent holds more than 40 percent of the Worlds remaining resources and will host the largest youth population in the World within the next decade.

In spite of the rumblings and rumours and threats of War coming from many corners of our one World; I am glad; that by our presence here the AFBA is looking forward. And is determined to take its eyes off present challenges; shift its sights toward the horizon; see the unlimited opportunities available all around us, and begin to build the stage for the new Africa.

This action signals - that it is Time for Africa and Africans to be bold; take charge of their destinies together and build a better, resilient, unified, peaceful, collaborative, inclusive and developed AFRICA.

This convention therefore provides the greatest platform to begin the process of reframing the **GOVERNANCE** Environment for the **TRANSFORMATION AFRICA DESERVES**, under the Rule of Law as the best way forward.

Excellencies, Officials of the AFBA, Special Guests, Distinguished Ladies and Gentleman; permit me to now lay the basis for my presentation in sober reflection of a few Foundational ISSUES for your consideration over the next few days:

1. WHERE does the AFBA envisage the Continent of Africa to be in the next two decades?
2. WHAT is the perceived role of the AFBA in this new arrangement?
3. WHAT can the AFBA do to ensure that there is greater access, equality and justice in the legal processes?
4. WHAT can the AFBA do, as Legal Luminaries, to not only set the basis for this Transformational SHIFT, but to secure its impact for generations?
5. Is the AFBA truly READY TO STEP UP; MAKE THE NECESSARY STRUCTURAL AND BEHAVIOURAL CHANGES from within and without; in order to CHANGE THE DYNAMICS NECESSARY to FORGE THIS NEW AFRICAN PARADIGM?

The answers to these questions are ours to ponder.

Therefore, as I considered the huge task ahead of the AFBA and its membership; in consideration of the above referenced Issues; I too realised that I had to take the litmus test, as this task is not only for the few, or for the brave, it is for ALL.

I therefore beg your indulgence for a moment, in order to share a glimpse of my perspective; as I considered experiences which formed my earlier thoughts about the Judicial environment; first as a Student; a Lawmaker; a Lawyer and now as a Senior Female Official of Government. I believe this mental refreshment for all of us is critical; for what we desire needs a mental shift in order to clearly see the new way forward necessary to garner the will power to go beyond rhetoric.

In 2008; after completing studies in several fields over the years; I made up my mind to add a degree in Law; only a few years after I had won a highly contested Senate Seat. My zeal to embark upon the rigorous Study of Law was based on a simple fact: that Legislators should have a basic understanding of the legal environment they operated under, in order to be effective Representatives of their people. With this myopic view of why I had enrolled; I sat in class on the first day of orientation and listened to Professors speak about the lofty, but jealously protected Law Profession, with each reminding the new recruits that this profession was not for everyone and that it -

“Was a consuming jealous mistress who should never be taken lightly or abused.”

What a way to describe Lady Justice...but I found out that those assertions were indeed true.

And that if one wanted to be a great Lawyer; this profession required monogamy.

The second point raised was that being a lawyer required one to be a committed part of a Fraternity...each one being required to OBEY ALL, with no questions asked; especially by students or junior members.

Though it has been more than 14 years since – my first day as a student of Law - 2 important Trends have remained with me till today.

1. The fundamental basis for the jealously guarded legal profession was based on the cohesive integrity of the entire Judicial System which was set up not just to **CONVICT** but to seek **TRUTH** and dispense **JUSTICE**.

2. The legal profession is a Fraternity and those who are its members must uphold its Rules and regulations to protect one another – no matter what.

Truth be told, I was a little confused as both ideologies seemed at variance then; and still does today. This paradox only brought more questions, such as:

How can **TRUTH** and **JUSTICE** align with **FRATERNITY** and **BROTHERHOOD**?

Which takes Precedence over the other?

How could we even begin to understand how to dance this seemingly impossible dance and still sleep at night?

These silent questions bothered me that day - (and I say silent because I dared not ask it).

Excellencies, Special Guests, Officials and Members of the AFBA, Distinguished Ladies and Gentleman; the answer to these simple yet profound questions – are still the crux of commonly held perceptions (real or imagined); discussions, disagreements and opinions about the meaning, value and/or true intent of the Legal Profession, especially not only because this profession is societies lynchpin; but ultimately it is the final legal Forum for Truth and Justice for all and not just for a few.

But whatever side we each may choose to see; the reality is that the LAW grew out of the need for truth and justice to prevail for ALL. Thankfully, mankind has generally agreed on the principle that Society can only function properly if we all accept, abide, uphold and protect - agreed upon Rules and Regulations for civilised societies; with the firm belief that the final judgements therefrom should normally be predictable, just and acceptable as RIGHT.

There is however another side of this story we must see; one which shows a disconnect between:

What is considered the TRUTH?

What is the difference between being JUST and being FAIR?

And

What do a majority of our people see at the end of this process which culminates into the stark REALITY of the effect of the LAW?

Howbeit, the resulting feeling of justice rendered or justice denied is often fuelled by instances; where some believe that the highest ideals of **TRUTH** and **JUSTICE** are constantly being tossed aside by those who should protect it.

In spite of these complexities, most often the common rationale given by lawyers at these instances are normally that the majority doesn't understand the complex nature of the Law; or that the majority is corrupted by misinformation and disinformation; and worse still, that the majority perception that the legal profession is one which is manipulated by the Rich and Influential against the Poor or marginalised is not so.

But the majority opinion in the Court of public perception- is that the prevailing legal system across Africa is not Accessible to those who truly need it; is an unjust system of Justice, and that Truth and Justice is only a mirage.

As a result of this negative mindset; most believe that the entire Legal Profession is not only in jeopardy; but that it has reached the point of being society's poison. So much so that this poison is not just scattered on the leaves of the Tree of Life; but that it has reached the Roots of the Tree; is therefore threatening the entire Human existence; and slowly dismantling the Rules upon which civilised Societies are built and maintained.

Today, as the AFBA genuinely, seeks to forge a new path forward; please note that the scenario referenced earlier speaks about the current status quo –as seen by the majority. And if one must retrospect on a new pathway, it must take cognisance of the **PAST, PRESENT** and **FUTURE**.

For me, the critical question at **BAR** - is not what the members of the AFBA think.

For as societies lynchpin; the critical issue as Bar - Is what does the majority in our Society believe about this profession, and how can we change that negative perception in order to drive the new agenda?



Keeping in mind the AFBA's role as established primarily for the benefit of **ALL**.

As I look across the floor, I can see the questions in the eyes of many. And so in my capacity as a junior, female lawyer - I know that any attempt on my part to answer these question may be the basis to be held in contempt...so I will not dare. (SMILE)

But please allow me to play the devil's advocate for just a moment in order to raise your consciousness to a new level necessary for the change the AFBA seeks.

When one considers all the questions raised -I must admit, that what is glaring is that our Continent, Nations, Communities and Families are currently embroiled in a slow dance of decay, internal and external conflict, crisis, youth uprisings, lawlessness, open hatred, violence and war – most often because one side believes that there is no justice, no truth and in fact no law.

Most believe that an attempt to get a lawyer - is an exercise in futility; and because of the Legal Fraternity there is no one to speak for Justice; no one to speak against societal ills; and the courts will only find justification in what they want to do; without any protection for the innocent, the injured, marginalised and poor.

Hence for the majority, the marginalised and the poor, Self-Preservation or Fear may be their only choices.

THANKFULLY the answers and or opinions needed for these Queries; whether legal, right, wrong, philosophical, social or political; are not the subject for my Keynote; enabling me after my Keynote to escape contempt charges. (Smile). But it would be remiss of me, were I not to highlight these critical issues overshadowing our great profession; especially in such an academic environment as this – where **AFRICA'S BEST** and **BRIGHTEST** have gathered, with the determination to ensure a new paradigm shift across the Continent; first from within and then without.

The amazing part of the history being made here today; is though we have gathered under an uncertain global future; I feel that each of us comes here today, with a burning desire to chart a new path which will lift Africa to her place of honour and respect;

so that this new paradigm will be acceptable and enjoyable by the majority of our People whom we represent. So our mothers, sisters, wives, daughters, fathers, husbands and sons – will sign a new song.

Excellencies, Special Guests, Officials of the AFBA, Distinguished Ladies and Gentleman; I hope that you will agree with me that these profound questions remain at the crux of these discussions and deliberations at this 2022 Annual Conference, as the AFBA:

1. Considers its critical role as society's Lynchpin;
2. Considers the need for a paradigm shift, in light of commonly held negative perceptions;
3. Attempts to stamp its legitimacy, ownership and right to chart a collective and mutually rewarding way forward about unfolding Continental Developments;
4. Intentionally sets into motion the commencement of a series of bold, honest, critical, and refreshing dialogues across the African Continent on the relevancy and exigency of carving the "New Legal Agenda for Africa"; which lays the pillars for the Continental platform and roadmap toward the realisation of goals for **THE AFRICA WE URGENTLY NEED** -under frameworks of good governance, socioeconomic transformation, security, peace, inclusion, equality and stability for ALL.

Excellencies, Special Guests, Officials and Members of the AFBA, Distinguished Ladies and Gentleman; with this food for thought; please permit me to close my KEYNOTE by tying the previously referenced issues to the theme of "Instituting an enduring Legacy of transparent and accountable governance in Africa: Basic Issues and Road- map".

This theme in its holistic frame seems to look at the entire spectrum of Governance, in the 3 branches of Government; Civil Society and the Family; for it is clear that the impact of the legacy the AFBA seeks to inspire and in-still will affect every facet of these pillars of which they too are a part .

The good news is that the only institution which can muster the Political will necessary to forge this agenda is the AFBA.

Therefore so as they consider the Way Forward; may each of us keep in mind that issues of transparency and accountable governance in Africa is more than just about round pegs in square holes; or wasted opportunities, or lack of political will, mismanagement , blatant disregard of Governance systems and broad daylight corruption and impunity. But more so about the total disrespect and disregard of the social contract which propels governments, organisations and institutions into existence; which is disregarded and flippantly toss aside once the objective is achieved.

This is then compounded by the failure to follow rules and regulations, personal aggrandisement, greed, power, lack of patriotism and nepotism which eventually leads to a lack of trust and respect by the majority; a total breakdown of Systems of Governance; and winner takes all mentality; forcing governments, institutions and organisations further away from their true calling to help the helpless, marginalised and those victimised.

This is the external environment the AFBA seeks to transform; as the continent grapples with issues of illegal migration; high levels of sexual and gender based violence; inequities, marginalisation, dire poverty; disregard for the rule of law; lack of transparency, high levels of corruption, entrenched old boys network; climate change issues; and the unending list of priorities.

To further compound this assignment is the fact that there is also an internal environment under which the AFBA operates; which has its own challenges. But I believe we all know the nitty-gritty of these challenges and so there is no need to belabour them.

Permit me however to draw your attention to 3 critical points in the internal environment which shape currently held negative perceptions which must be dealt with by this august body:

1. That Access to justice by ALL ( is a mirage to many)
2. That Freedom of Expression by members ( the fraternity rules bars one from this right)
3. That Disciplinary proceedings and punishment by rogue elements within (few and far in between; so much so that the majority has lost hope in the true tenets of freedom, justice, fairness, equity and equal representation).

Thankfully, in spite of these challenges; I am of the hope that these internal critical issues can be handled by the AFBA as a first step in attempting this feat.

Excellencies, Special Guests, Officials and Members of the AFBA, Distinguished Ladies and Gentleman; please permit me to highlight one final issue at bar:

1. AFTER ALL HAS BEEN SAID, WHERE THEN DO WE BEGIN THIS TRANSFORMATION?

**FIRSTLY**, by acknowledging that our legal systems does not address the exclusion, inequalities and marginalization of many; the lack of easy access; and impunity amongst some members of the fraternity which then paints everyone else black. This scenario necessitates the call today for a better way forward which:

1. Examines the impact of these negative trends on the majority; whom our profession is sworn to help.
2. Provides an opportunity for internal cleansing, purging, correction and punishment of the wayward members of our fraternity; in order to regain the public trust.
3. Creates a new platform which restores public trust, raises the bar for the political will to then deal with both the internal and external environment.
4. Sets the framework for the new Agenda needed for this task.

Thankfully, this train of thought is already being discussed, as indicated by the Democratic Governance Community of Practice (COP) for sub-Saharan Africa which met in 2011 in order to begin discussions on shifting the focus of the transition on the law, legal frameworks and judicial and legal institutions towards its untapped potential in promoting inclusive and sustainable development across Africa.

The meeting examined the challenges related to the nature of legal frameworks, justice institutions, the level of consciousness and empowerment of the citizens, the nature of responses to social and economic issues, effective provision of services and sustainable management of natural resources.

From the discussions it emerged that the definitive expansion of law and justice was necessary because the current narrow focus remains absent of national specificities and exclusive of the perspectives and needs of the most marginalized in society. It was reiterated that an understanding should build on existing local practices that serve citizens by addressing underlying socio-economic dimensions while also mainstreaming areas of strategy and operation. This way, socio-economic justice will not remain elusive to many or impact negatively on the overall efforts to strengthen governance and development on the continent.

The conclusion from this meeting rested on the premise; that this can only be achieved when the law and associated institutions create the space to build human capital and assets, and free individuals and organizations to become productive in a stable environment.

These legal frameworks and institutions can also promote inclusion by advancing responses to social and economic issues, empowering citizens to shift imbalanced power relations, and expanding the reach and quality of services including access to justice for marginalized groups. Indeed equity can be achieved when effective judicial and legal institutions support equality of opportunity, promote open and accountable governance and guarantee redistributive justice at both the internal and external levels.

Excellencies, Special Guests, Officials and Members of the AFBA, Distinguished Ladies and Gentleman; in closing, permit me to say that improving governance and accountability in Africa is not only possible; but is the only way forward. But let us be reminded that time is no longer on our side; for as are all issues of social change,

it takes committed and concerted efforts by all; strong political will and consistency to shift the bar. But I am assured that the AFBA is up to and willing to undertake this task of monumental transformation to ensure we begin to build the **AFRICA WE SO URGENTLY NEED**.

Comrade President, Officials and members of the AFBA, please accept my congratulations, for indeed this Conference is a step in the right direction; as the AFBA commences it's **AGENDA** for **TRANSFORMATION**.

The die has been cast and the AFBA must answer the call to duty.

It has been a most humbling duty for me today. I am truly honored.

I thank you.