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THE EDITOR'S INSIGHT

As an Association, we are clearly in motion. From climate initiatives and sustainability efforts, to strengthened regional collaborations and continued engagement on constitutional matters, the profession is not standing still. But as we move forward, the question is not only how far we will go, but *how* we will go - with what values? with what sense of responsibility? with what regard for those who paved the way?



It is easy, in the urgency of deadlines and the demands of legal practice, to focus only on the fee notes, billable hours and life's pressures. But I think there is wisdom in pausing, even just briefly, to acknowledge those who came before us. Because in doing so, we gain perspective. We are reminded that the standards we uphold, the ethics we defend, and the excellence we pursue did not begin with us. They were built, case by case, client by client, generation by generation.

This edition and previous ones alike, carry a tribute to members of our profession whose lives and work helped shape the very foundation we continue to build upon today. Their stories are not just memorials; they are markers of what it means to live a life in the law with purpose, discipline, and integrity. They remind us that beyond statutes and submissions, the practice of law is ultimately about people, those we serve, those we mentor, and those we walk alongside in this profession, whether senior or junior.

The Lawyer's Insight is your platform. It continues to grow because of your voices, your lived experiences, critiques and ideas. Whether you are exploring new areas of practice, challenging established legal thinking, or reflecting on your career journey, your contribution shapes the narrative of who we are as a profession. Thank you for your contributions. The call for submissions remains open, and our 2026 editorial calendar is available at the back of this issue.

Happy reading!

Misozi Hope Masengu
Editor | Council Member



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FROM THE PRESIDENT'S DESK

Doors represent opportunity — the possibility of new and greater things. As we step further into 2026, both as a nation and as an Association, may it usher in a renewed commitment to what is true, noble, right, pure, lovely, admirable, excellent, and praiseworthy. This year, may we do more for our families, our neighbours, our members, our clients, and for society at large.

Permit me to briefly report on some of the Association's strategic initiatives over the past few months. As always, we remain committed to advancing our shared vision of building a thriving Association, and your engagement and encouragement remain our greatest strength.

I am pleased to inform you that through our Task Force on Climate Change, we successfully hosted a two-day workshop on Climate Carbon and Climate Finance from 27th to 28th November 2025 at the Urban Hotel in Lusaka. The workshop reflects our resolve to contribute meaningfully to national climate action by equipping members with up-to-date knowledge on evolving global trends. I would like to specifically thank the Task Force Chairperson, Dr. Lannette Kambole Chiti, who has played a key role in emphasising the importance of building a knowledgeable and responsive legal community capable of advising on climate governance, carbon trading, and financing instruments that support sustainable development.

In this regard, I am also pleased to report that on Friday, 12th December 2025, we commissioned our new solar plant at LAZ House, marking a significant milestone in the Association's sustainability agenda. We remain committed to championing clean and green energy solutions.

On the member engagement front, we closed 2025 in style with a series of successful engagement activities on the Copperbelt and in Lusaka, including Town Hall meetings which culminated in festive Christmas celebrations. I sincerely appreciate the concerns, insights, and ideas shared by members during these Town Halls.

In the spirit of collaboration, I am pleased to report that we signed a Memorandum of Understanding (MoU) with the Zambia National Visual Arts Council (VAC) on Thursday, 29th January 2026. This partnership aims to strengthen collaboration between the legal and visual arts sectors. The MoU provides for cooperation in several areas, including the provision of legal support by LAZ to VAC and joint efforts

toward the establishment of a LAZ Museum.

We look forward to an exciting period ahead as we prepare for the LAZ Conference and Annual General Meeting for 2026. I encourage all members to register and attend this important event. As you are aware, we will also hold elections for various Council positions, giving members the opportunity to usher in new leadership. I urge you all to participate actively in the governance of our Association.

Finally, we continue to intervene on matters of constitutionalism and national governance, consistent with our mandate as the Law Association of Zambia. I assure you that Council remains steadfast in implementing our 2024–2026 Strategic Agenda and in upholding the values that define our profession.

Thank you once again for your unwavering support.

Lungisani Zulu
President
Law Association of Zambia



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CARBON TRADING: UNLOCKING NEW LEGAL FRONTIERS FOR LAWYERS

By Dr. Lannette Kambole-Chiti



Whenever, climate change is discussed, be it in public forums, professional meetings or policy debates, it is almost invariably described as ‘an existential threat’ or referred to as ‘the greatest challenge facing human kind today.’ Impacts of climate change are frequently highlighted as flooding, droughts, and increasingly severe weather events such as hurricanes and cyclones. These are grave consequences that threaten human and animal life. Nonetheless, amidst these profound challenges, there are valuable opportunities for proactive engagement and meaningful action by all stakeholders, including legal professionals, to actively contribute to innovative solutions for tackling climate change.

Traditionally, lawyers have played a key role in multilateral climate negotiations and in the drafting of respective international agreements. Today, however, their responsibilities extend beyond these areas, as they are

increasingly called upon to support the implementation of such agreements and to engage proactively with newly emerging global strategies and mechanisms designed to address climate change. As global efforts to combat climate change accelerate, the landscape also continues to evolve. The rapidly evolving climate change landscape, together with the introduction of new regulations, policies, and financial instruments, offers significant opportunities for the legal profession to explore new practice areas. These developments enable lawyers to engage with and specialise in emerging fields such as carbon trading and climate finance.

In Zambia, a robust legal and policy framework for carbon trading has been established, encompassing the Green Economy and Climate Change Act No. 18 of 2024, the Forest (Carbon Stock Management) Regulations S.I. No.66 of 2021, the National Green Growth Strategy, the

Nationally Determined Contribution (NDC 3.0), the Carbon Market Framework and the National Adaptation Plan. This framework creates an ideal legal, regulatory and policy setting for carbon project development in the country and for lawyers to engage with carbon trading. Lawyers can provide legal advice on regulatory frameworks that underpin carbon trading and on matters such as carbon project development. They can also undertake verification and certification functions within the carbon project cycle.

Furthermore, lawyers can negotiate and draft various contracts related to carbon trading transactions such as project development agreements, emission reduction purchase agreements, carbon offtake agreements, forward sale contracts, and joint ventures, to name but a few. Carbon project development in turn opens up a range of additional opportunities for lawyers such as conducting carbon-specific due diligence, structuring innovative project financing arrangements and securing land use permits required by carbon project developers, including assisting them to navigate complexities of land use rights and permitting processes. Additionally, lawyers can play an important role in ensuring that the rights of communities involved in carbon projects are protected by negotiating benefit sharing agreements that safeguard community rights and guarantee an equitable distribution of benefits arising from implementation of such projects. This is especially significant where local communities may be directly and negatively impacted, yet often lack the resources to secure legal representation.

Representing resource constrained communities in negotiations pertaining to carbon trading and contracting is an excellent opportunity for fulfilling the Law Association of Zambia (LAZ) practicing certificate requirements on pro-bono services. Through such representation, lawyers will not only contribute to environmental sustainability, but also to social justice and to ensuring that LAZ remains aligned with its pivotal role in shaping Zambia's carbon market landscape. Further opportunities for lawyers present themselves by way of litigation that may arise in the context of carbon contracts and involving issues such as failure to deliver carbon credits, breaches of contractual obligations and other related matters.

In addition to advising their own clients and undertaking litigation in carbon trading related issues, lawyers can play a crucial role in supporting government to develop and strengthen national carbon market regulations and policies,

Carbon project development in turn opens up a range of additional opportunities for lawyers such as conducting carbon-specific due diligence, structuring innovative project financing arrangements and securing land use permits required by carbon project developers, including assisting them to navigate complexities of land use rights and permitting processes.

including those pertaining to matters like carbon pricing mechanisms and effective oversight of carbon market operations. Government, through the Ministry of Green Economy and Environment recognises that LAZ has “ a critical role in shaping the emerging legal dimensions of carbon markets” and has demonstrated its willingness and readiness to collaborate and “work hand-in-hand with LAZ to strengthen domestic legal capacity for carbon markets.” *(Hon. Minister's Mike Mposha's speech presented to the LAZ carbon trading and climate finance workshop on 27th November 2025 at the Urban Hotel Lusaka.)*

In order to take full advantage of the opportunities outlined above and more, it is essential for lawyers to be well equipped with knowledge on carbon trading and carbon markets. Lawyers are therefore, encouraged to acquire specialised skills in these areas through training. Such training should encompass not only regulatory and policy frameworks that govern carbon trading, but also the practical aspects of negotiating and drafting a range of contracts including managing risks associated with carbon contracts, as well as getting an understanding of related matters such as climate financing. For those already trained in the field, ongoing professional development is still recommended as it will keep them up-to-date with international trends, emerging best practice and innovative solutions.

A CRITIQUE OF THE ZAMBIAN COURT OF APPEAL JURISPRUDENCE ON THE MODE OF COMMENCEMENT OF NON-CONVICTION-BASED FORFEITURE APPLICATIONS

By Edwin Mbewe, LLB, LLM, ASCZ

Introduction

The Forfeiture of Proceeds of Crime Act No. 19 of 2010 (“FPOCA”), provides a framework for the forfeiture of tainted property, including through non-conviction-based applications under sections 29 and 30. These sections require an “application” to be made to the court, but do not specify the precise mode of commencement. This has led to judicial interpretations in the cases of *Nachanga Transport v Director of Public Prosecutions* [2021] ZMCA 152 (“*Nachanga*”), and *Esther Nyawa Tembo Lungu v Director of Public Prosecutions* (Appeal No. 59/2024) (“*Esther Nyawa Lungu*”) among others, where the Court of Appeal upheld the use of an Originating Notice of Motion as the appropriate originating process. This critique argues that both decisions are flawed in endorsing this mode. Drawing from the High Court Rules (as amended by Statutory Instrument No. 58 of 2020), the Rules of the Supreme Court of England, 1999 Edition (the White Book), and the FPOCA itself, the author contends that the Originating Notice of Motion is neither authorised nor suitable. Instead, the correct mode of commencement should be the Originating Summons under Order 6, Rule 1(3) of the High Court Rules, as it aligns with the statutory requirement for an “application” in chamber matters. The critique will examine the errors in each case, highlighting procedural misalignments and proposing a more accurate approach.

Critique of *Nachanga Transport*



v Director of Public Prosecutions [2021] ZMCA 152

In *Nachanga*, the Court of Appeal addressed a non-conviction-based forfeiture application under sections 29–31 of the FPOCA, involving a Fuso truck and *Mukula* logs. The appellant argued that the proceedings should have been commenced as an interlocutory application in an existing criminal matter under section 10 of the FPOCA, or alternatively by Writ of Summons as the default originating process for fresh actions. The Court rejected the interlocutory argument, holding that non-conviction-based

forfeitures are standalone civil proceedings not dependent on a prior conviction. This was in keeping with the FPOCA’s structure, where section 33 explicitly provides for civil forfeitures independent of criminal prosecutions.

However, the Court’s endorsement of the Director of Public Prosecutions’ (DPP) use of an Originating Notice of Motion (invoking Order 30 Rules 15 and 17 of the High Court Rules) is erroneous. Order 30, Rules 15 and 17 refer to a “notice of motion,” which is interlocutory in nature, intended for applications within ongoing

proceedings. This is evident from the wording in other related rules such as Rule 16 of the same Order which requires at least four clear days' notice from service to the return date, mirroring the timeline for interlocutory matters rather than originating processes that typically allow more time for substantive responses. Rule 19 of Order 30 further indicates that a notice of motion may be served "upon a defendant with the writ of summons," implying it is supplementary to an existing action, not an originating process. If the notice of motion in Rule 15 is an originating process, it is inconceivable that it may be served with another originating process i.e., a writ of summons concurrently since only one originating process can exist at a time involving the same matter and the same parties. The Court's interpretation conflates Rule 15 motions with an originating process, overlooking that Order 30 Rule 15 does not authorise an "Originating Notice of Motion" for initiating fresh actions under the FPOCA or indeed under any other law.

Moreover, the White Book's Order 5 Rule 5 is clear:

"Proceedings may be begun by originating motion or petition if, but only if, by these rules or by or under any Act the proceedings in question are required or authorised to be so begun." (Emphasis mine).

Neither the FPOCA nor the High Court Rules explicitly require or authorise an Originating Notice of Motion for forfeiture applications. Section 29 of the FPOCA merely states that the DPP "may apply to the court" for a non-conviction-based forfeiture order, without prescribing the form. In the absence of specificity, the default for chamber-disposable matters under Order 6 Rule 1(3) of the High Court Rules (as amended in 2020) is an Originating Summons accompanied by an affidavit. This mode is suitable for declarative relief like forfeiture, where the issues are often legal rather

than requiring full-fledged trial.

The appellant's main argument in *Nachanga* was flawed in assuming non-conviction-based forfeitures must hinge on a conviction, leading the Court to focus on distinguishing civil from criminal proceedings. A stronger contention would have been that, while the application is originating, the notice of motion was unauthorised, and the proceedings should have been dismissed for want of jurisdiction arising from wrong mode of commencement. The Court's failure to scrutinize this perpetuates procedural irregularity, potentially undermining the correctness of FPOCA applications.

Critique of Esther Nyawa Tembo Lungu v Director of Public Prosecutions (Appeal No. 59/2024)

The *Esther Nyawa Lungu* case involved an appeal against the forfeiture of 15 double-storey flats under sections 29–

The appellant's main argument in *Nachanga* was flawed in assuming non-conviction-based forfeitures must hinge on a conviction, leading the Court to focus on distinguishing civil from criminal proceedings.

31 of the FPOCA, also commenced by Originating Notice of Motion. The appellant argued that the matter should have been initiated by Writ of Summons due to contentious factual issues (e.g., the source of funds for the property), making it unsuitable for summary disposal in chambers. The Court of Appeal upheld the lower court's ruling, affirming the Originating Notice of Motion as correct under Order 30, Rules 15 and 17, and rejecting the writ argument on the basis that the FPOCA envisages a chamber-based "application," not a full-fledged trial.

This decision is problematic for similar reasons as *Nachanga*. The Court at paragraph 4.7 (page J7) of the ruling citing *Nachanga* held that:

"...we actually did find that forfeiture proceedings, similar to the one at hand, were properly commenced by originating summons. We still stand by that position." (Emphasis mine).

Nachanga was however, actually not commenced by originating summons. It was also commenced by "notice of motion" which the DPP contended was curable and not fatal in omitting "originating" to read "originating notice of motion"! It is not known therefore, where the Court got the position attributed to *Nachanga* that the same was properly commenced by originating summons. In any case, even if it was (which is denied), *Esther Nyawa Lungu* itself was clearly not.

The Court's reliance on Order 30, Rules 15 and 17 repeats the error of treating interlocutory provisions as originating ones. As noted above, these rules do not support an "Originating Notice of Motion"; they describe notices for interim relief in existing actions. The FPOCA's section 29 requires an "application," but a Writ of Summons is not an application and therefore, the appellant's contention that the matter was to be commenced by Writ was an impossible one to sustain. The appellant's argument also missed

an important point: while contentious facts might warrant chamber matters to be deemed (converted) as begun by Writ if found unsuitable for summary disposal (as per White Book Order 28 Rule 8), the initial mode should still be an Originating Summons.

The Court in *Esther Nyawa Lungu* correctly noted that forfeiture applications are civil and can be handled in chambers. However, it overlooked that Order 6 Rule 1(3) explicitly provides for Originating Summons in matters “disposed of in chambers,” which fits the FPOCA’s framework. Had the proceedings begun this way, the Court could have invoked Order 28 Rule 8 to order pleadings and trial if facts proved contentious, ensuring procedural fairness without invalidating the action. Instead, by endorsing an unauthorised mode, the decision perpetuates a bad precedent that bypasses statutory and rule-based requirements, potentially leading to appeals on jurisdictional questions rather than merits.

Therefore, a more plausible argument for the appellant would have been to challenge the notice of motion’s validity, argue for originating summons as the correct mode of commencement and have the matter dismissed for want of jurisdiction. If the State then chose to recommence the matter under originating summons, the appellant could then have applied for deeming of the matter as having begun by Writ due to factual disputes. Admittedly, the appellant did not approach the issue this way, but the Court should have addressed the procedural mismatch more thoroughly given that a jurisdictional question arose.

Is the notice referred to in section 30 of the FPOCA an originating notice of motion or the same as the originating application envisaged in section 29? The notice under section 30 is procedural and consequential to the originating application under section 29, but it is not itself an originating notice of motion.

Conclusion

Both *Nachanga* and *Esther Nyawa Lungu* correctly identify non-conviction-based forfeitures under the FPOCA as standalone civil applications, but err in upholding the Originating Notice of Motion as the correct mode of commencement. This mode is not sanctioned by the FPOCA, Order 30 Rules 15 and 17 (which are interlocutory), or the White Book’s restrictive provisions on originating motions. The proper approach is an Originating Summons under Order 6 Rule 1(3) of the High Court Rules, which accommodates chamber-based applications and allows flexibility for contentious matters via conversion to trial.



The Court acknowledged forfeiture proceedings as civil and suitable for chambers—but by endorsing an Originating Notice of Motion, it bypassed the correct procedural route. The stronger position is that such matters should commence by Originating Summons under Order 6 Rule 1(3), preserving both jurisdictional integrity and procedural fairness while still allowing conversion to trial where disputes arise.



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THE ENDURING LEGACY OF JUSTICE DR. WINNIE SITHOLE-MWENDA IN ZAMBIAN EMPLOYMENT JURISPRUDENCE

By Teddy Musonda

I learnt of the death of Justice Dr. Winnie Sithole-Mwenda with deep sadness and profound shock. Zambia has lost not only a distinguished jurist, but a formidable legal mind whose contribution to employment law will endure for generations.

Her Ladyship will be remembered for her apt, incisive, and well-reasoned judgments. During my days in law school, my study colleagues and I held her judgments particularly in high regard. They were not merely cases we studied, they were cases we remembered. We readily recalled the names of the cases and the principles they established, and the intellectual clarity they brought to complex legal questions. Long after study sessions ended, her judgments continued to shape our discussions, a testament to their depth and lasting impact.

One decision that will always stand out to me is the case of ***Saviours Mundia v Consolidated Farming Unit (2023) ZMHC 45***. Although a High Court judgment, its credence and weight goes far beyond the ordinary persuasive value we often attach to decisions of the High Court. It has become a landmark precedent in our employment law jurisprudence.

In the matter, Her Ladyship interrogated several critical principles in employment law. Among them: the retrospective application of procedural requirements under the *Employment Code Act*, the necessity of giving a valid reason for termination or dismissal even under employment



contracts prior to the 2019 enactment of the *Employment Code Act*, the legal nature of probation, the distinction between termination and dismissal, the applicability of the General Orders, and the measure of assessment and quantum of damages for wrongful and unfair dismissal.

Perhaps more crucially, the Court examined the relationship between the *Employment Code Act*, individual contracts of employment, and collective agreements. Her Ladyship affirmed that the *Employment Code Act* provides minimum terms and conditions. An employment contract or collective agreement cannot

provide for less favourable terms to those under the *Employment Code Act* or any statute applicable to an employee. At page J31, her ladyship stated: ***“Despite the doctrine of freedom of contract, no contract under Zambian law can provide less favourable terms than the compulsory terms guaranteed by the applicable statute(s).”*** This is reinforced by Section 127 of the *Employment Code Act*.

Further, the case equally stands as authority on the applicability of the General Orders. While it is trite that the General Orders do not apply to employees in management, Her Ladyship insisted that an employee's nature of work, not labels or title is what determines whether they are part of management. What matters are the employee's actual duties and daily responsibilities. In reaffirming the Court's power to re-designate an employee's job category, her Ladyship stated:

“Crucially, as with the inquiry on who is a management employee, the employee's job title is not conclusive proof that he or she falls within the ambit of the identified category of general workers. This is also an inquiry based on substance over form. An interrogation of that employee's duties needs to be undertaken to designate him under the correct employment category.”

Where one has authority to superintend, appoint, and dismiss fellow employees, one is likely to fall within management – not because of a title, but because of function.

Further, in the case of ***Raphael Mwale Mulenga and Another v. CNMC Luanshya Copper Mines Pls (2024) ZMHC 253***, her Ladyship considered whether an employer can commence a disciplinary process against an employee despite the employee being exonerated by the Police over the same alleged wrongdoing; and whether an employee owes a general

duty to report another employee's wrongdoing to the employer.

In addressing the first issue, her Ladyship reminded us that as criminal proceedings being by nature distinct from civil proceedings, an outcome of one proceeding must not affect the outcome of the other. Citing the Supreme Court's guidance in ***Annard Chibuye v. Zambia Airways Corporation Ltd (1985) ZMSC 2***, her Ladyship held that since disciplinary proceedings by an employer are civil matters, nothing precludes an employer from instituting investigations and disciplinary proceedings over alleged wrongdoing against an employee notwithstanding the clearance by the Police over the same alleged wrongdoing.

In relation to the second issue, her Ladyship at page J33 stated as follows:

“I am of the firm view that reporting misconduct of employees or events that one has witnessed is an implied term of the contract. This is because every employee owes a duty of utmost good faith, loyalty and fidelity to his employer as underscored by the Supreme Court in Chimanga Changa Limited v. Stephen Chipango Ng'ombe where it was held that:

“An employment relationship is anchored on trust and once such trust is eroded, the very foundation of the relationship weakens.”

In essence, the employee's implied duty of loyalty to the employer and that to act in good faith demands acting in the best interests of the employer. As such, acting in the interest of the employer implores the employee to report wrongdoings of fellow workers. My appreciation of the case deepens even more considering her Ladyship's succinct application of Section 52(5) of the *Employment Code Act*. Her Ladyship reminded us of the said

section, which places the burden now on the employer to show that an employee's dismissal or termination was not wrongful and/or unfair. Essentially, in a claim for wrongful and/or unfair termination (or dismissal), when an employee leads evidence to show that she was at some time employed by the employer and subsequently discharged, the burden shifts. And as her Ladyship noted, Section 52(5) marks a departure from the traditional common law position: 'he who alleges must prove.'

Her Ladyship's judgments will continue to echo in the courtrooms, debated in lecture halls, and cited by counsel in their pursuit for persuasion. Not only was her Ladyship an exceptional jurist, but also a distinguished scholar whose written works have shaped the understanding of employment law in Zambia. Through her celebrated and authoritative texts: *Employment Law in Zambia: Cases and Materials* (UNZA Press for the School of Law, University of Zambia 2004); *A Comprehensive Guide to Employment Law in Zambia*, co-authored with Chanda Chungu (University of Zambia Press 2021); and the expanded 2nd edition of *A Comprehensive Guide to Employment Law in Zambia* (LexisNexis South Africa 2025), Her Ladyship provides both students and practitioners with guidance that is practical, rigorous, and enduring. These works have become indispensable references, and strengthening the development of our labour jurisprudence.

Her Ladyship's legacy will continue to resonate – in courtrooms where her judgments are cited, in lecture halls where her reasoning is taught, and in legal practice where her principles are applied.

Perhaps this is the true immortality of a jurist: though she is gone, her voice endures in the law she helped shape.

MY EXPERIENCE IN NAVIGATING FUNDING DUE DILIGENCE

By Ruth Zulu

In my role as Legal Counsel at a microfinance institution, I regularly support and navigate funding due diligence processes that sit at the intersection of legal compliance, corporate governance, and investor relations. These processes are often rigorous and multidisciplinary, requiring close collaboration between legal teams, finance departments, senior management, and external funders. Through this experience, I have gained valuable insight into how legal frameworks, financial structures, and regulatory requirements interact in practice.

Funding due diligence is a critical step in any financing transaction. For lenders, investors, and development finance institutions, it provides assurance that the institution seeking funding is legally compliant, financially sound, and governed in a manner that protects both investor interests and institutional integrity. For the institution receiving funding, the process serves as an opportunity to demonstrate transparency, operational strength, and strong governance practices.

Funder Expectations

Corporate funders approach due diligence with scrutiny that exceeds standard regulatory requirements. Two key areas demand excellence:



(a) **Transparency and Documentation Integrity:** Investors expect complete, accurate, and accessible documentation. Any gaps in corporate records, financial statements, or legal filings raise immediate red flags. Legal teams must ensure all documentation is current, properly executed, and reflects actual operations.

(b) **Regulatory Compliance Assurance:** Funders require concrete evidence of operation within applicable regulatory frameworks such as banking regulations, tax compliance, data protection, and industry-specific requirements. Beyond documentation, they expect robust compliance management systems and a demonstrable culture of regulatory adherence.

Regulatory Framework

The regulatory landscape has grown increasingly complex. Critical areas include Anti Money Laundering (AML) and Know Your Customer (KYC) protocols with rigorous customer verification, capital adequacy requirements under Basel III standards, and corporate governance codes covering board composition, audit committees, conflict of interest policies, and stakeholder engagement.

Key Learnings

My experience has yielded essential insights:

- (i) **Proactive Preparation:** Maintain a “deal-ready” posture with updated records, current certifications, and organized documentation to reduce stress and timeline pressures.
- (ii) **Cross-Functional Collaboration:** Effective due diligence requires seamless collaboration across finance, compliance, risk management, operations,

**Be forthright
about
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and senior leadership. Clear communication channels prevent information gaps.

(iii) **Strategic Investor Communication:** Be forthright about challenges while demonstrating capability to address them. Candor coupled with competence builds investor confidence obscuring issues invariably backfires.

(iv) **Continuous Improvement:** Conduct post-transaction reviews after each exercise to strengthen documentation practices, response protocols, and risk identification frameworks.

Due diligence excellence requires legal officers to balance regulatory expertise with strategic stakeholder management, building trust through transparency and demonstrated competence.



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LAZ ACTIVITIES LATELY...

By Gloria Mumba – Kalambo, LAZ Communications Officer

PRESS STATEMENTS

GOVERNMENT MUST COMPLY WITH CONSTITUTIONAL COURT ORDERS ON BILL NO. 7

On 4th December 2025, the Law Association of Zambia (LAZ) issued a Statement to raise concerns over the Government's decision to request the reintroduction of Constitution Amendment Bill No. 7 of 2025 to the National Assembly. LAZ also noted with concern the Speaker's decision to accept this request and appoint a Select Committee to scrutinise the Bill, despite an unequivocal Constitutional Court ruling that the earlier process leading to the presentation of Bill No. 7 was unconstitutional. The Court held in the said ruling, that the Bill remains a nullity until a legitimate, people-driven process is undertaken.

In its statement, LAZ underscored that disregarding Constitutional Court directives undermines the rule of law and poses significant risks to constitutional democracy. The Association cautioned that when leaders tasked with upholding the Constitution disregard judicial decisions, citizens are left with limited lawful avenues for redress, resulting in declining public trust and potential instability. LAZ emphasised that

**LAZ
cautions that
disregarding
court decisions
risks eroding
public trust
in democratic
institutions.**

Government must lead by example by respecting and abiding by court rulings.

Referring to the case of Celestine Mukandila and Munir Zulu vs Attorney General, LAZ reiterated that the Constitutional Court found the initiation of a constitutional amendment process culminating in Bill No. 7 before broad and meaningful public consultations to be contrary to the spirit of Articles 1, 2, 5, 7, 8, 9, 61, 90, 91 and 92 of the Constitution.

The Association called on the Government and the National Assembly to heed the voices of the Church, traditional leaders, civil society and other stakeholders by immediately withdrawing and abandoning further deliberations on Bill No. 7. LAZ emphasised that any constitutional reform process must be grounded in genuine, inclusive stakeholder engagement and broad consensus to ensure its legitimacy and national acceptance.

LAZ COMMISSIONS SOLAR PLANT TO BOOST SUSTAINABILITY

The Law Association of Zambia (LAZ) on Friday, 12th December 2025, commissioned its new solar plant at LAZ House in Rhodes Park, Lusaka, marking a significant milestone in the Association's sustainability agenda. Speaking during the handover ceremony by Nodelectric, LAZ President, Mr. Lungisani Zulu, reaffirmed the Association's commitment to championing clean and green energy solutions. He noted that the solar project not only strengthens the Association's internal energy efficiency efforts, but also enhances its contribution to national power generation, thereby supporting broader measures to alleviate the country's energy deficit. In attendance was Dr. Lannette Kambole Chiti, Chairperson of the LAZ Task Force on Climate Change, Honorary Secretary Mr. Arnold Kaluba, Honorary Treasurer Mrs. Womba Silumbu Kankondo, Council Member Mr. Mulenga Sholomo, and Executive Director Mr. Edward Sakala.



LAZ CONCLUDES 2025 WITH SUCCESSFUL TOWN HALL ENGAGEMENTS AND CHRISTMAS CELEBRATIONS

The Law Association of Zambia (LAZ) closed the year 2025 on a high note, with a series of successful member-engagement activities on the Copperbelt and in Lusaka, culminating in festive Christmas celebrations.

On 5th December 2025, LAZ held its Copperbelt Town Hall Meeting at Baluba Resort in Ndola. The engagement brought together members from across the province for strategic updates on key association initiatives, governance matters, and ongoing reforms. Members had the opportunity to raise concerns, share insights, and interact directly with the LAZ Council. The session was followed by a vibrant Christmas Party hosted at the same venue, where members celebrated the year's achievements in a relaxed and festive atmosphere.

A week later, on 12th December 2025, LAZ convened the Lusaka Town Hall Meeting at Protea Hotel Arcades. In keeping with the Association's commitment to transparency and open dialogue, the meeting provided a platform for Lusaka-based members to receive updates on operational priorities and provide feedback on current and planned activities. The engagement further underscored LAZ's dedication to strengthening communication with its membership.

The Lusaka Christmas Party was held later that evening at the same venue, offering an elegant and joyful close to the year. Members came together to network, reconnect, and celebrate the Association's collective milestones.

Through these town hall meetings and end-of-year festivities, LAZ reaffirmed its commitment to member engagement, transparency, and community building. The Association extends its appreciation to all members who participated and wishes the entire LAZ community a Merry Christmas and a prosperous New Year.



LAZ HOSTS MALAWI LAW SOCIETY FOR CROSS-BORDER COURTESY VISIT AND FRIENDLY SPORTS ENGAGEMENT



Guy wapa easy

The Law Association of Zambia (LAZ) on Friday, 28th November 2025, hosted a high-level delegation from the Malawi Law Society (MLS) led by Hon. Mr. Trouble Kalua, Judge of the High Court of Malawi, and MLS President Mr. Davis Njobvu.

LAZ was represented by State Counsel Mr. Stephen Lungu, Mr. Conrad Sichande, Mr. Mwape Moono, Mr. Milimo Moonga, Honorary Secretary Mr. Arnold Kaluba, and other members.

The visit also featured two friendly football matches between the associations, with the following results:

- 28 November 2025: LAZ 9-1 MLS
- 29 November 2025: LAZ 2-2 MLS

LAZ remains committed to strengthening professional and fraternal ties with peer Bar Associations across the region and beyond.

LAZ HOSTS TWO-DAY WORKSHOP ON CLIMATE CARBON AND CLIMATE FINANCE

The Law Association of Zambia (LAZ), through its Task Force on Climate Change, successfully hosted a two-day workshop on Climate Carbon and Climate Finance from 27 to 28 November 2025 at Urban Hotel in Lusaka. The workshop formed part of the Association's ongoing efforts to strengthen the legal profession's capacity to engage with emerging environmental and climate-related frameworks in Zambia and beyond.

The event was officially opened by the Minister of Green Economy and Environment, Hon. Mike Mposha, represented by Director Ephraim Mwepya Shitima. In his remarks, Mr. Shitima underscored Government's commitment to promoting a green and resilient economy and highlighted the critical role legal practitioners play in shaping and interpreting climate legislation, carbon markets, and climate finance mechanisms.

LAZ President, Mr. Lungisani Zulu, reiterated the Association's resolve to contribute meaningfully to national climate action by equipping members with up-to-date knowledge on evolving global trends. He noted that the legal fraternity must remain proactive and informed as Zambia continues to position itself in climate finance frameworks and carbon market opportunities. Chairperson of the LAZ Task Force on Climate Change, Dr. Lannette Kambole Chiti, emphasised the importance of building a knowledgeable and responsive legal community capable of advising on climate governance, carbon trading, and financing instruments that support sustainable development. She thanked participants for their active engagement and encouraged continued collaboration across sectors.

LAZ extends its sincere appreciation to the workshop's co-sponsors, Nsapatoto & Co. Advocates and BioCarbon Partners (BCP) whose support made the programme possible. Their partnership demonstrated the value of joint efforts in advancing climate literacy among practitioners and strengthening Zambia's transition toward a low-carbon future.

The Association looks forward to continued capacity-building initiatives that empower its members to lead conversations and legal reforms in climate change, carbon management, and environmental sustainability.



2026 HIGH COURT CRIMINAL SESSIONS OFFICIALLY OPEN



The High Court Criminal Sessions were officially opened on 12th January 2026 in various jurisdictions across the country. The Law Association of Zambia (LAZ) was represented by advocates led by LAZ President, Mr. Lungisani Zulu, reaffirming the Association's continued engagement with the administration of criminal justice. LAZ representatives participated in the opening ceremonies in Lusaka, Luapula, Mongu, Solwezi, Ndola, Kabwe, Muchinga, and the Eastern Province, reflecting the Association's national presence and its commitment to upholding the rule of law and the effective functioning of the courts.



ECES ENGAGES LAZ UNDER THE EU-FUNDED PRO DEM ZAMBIA PROJECT

On Wednesday, 21 January 2026, the European Centre for Electoral Support (ECES) engaged the Law Association of Zambia (LAZ) under the EU-funded PRO DEM Zambia project, which is currently establishing operations in Lusaka. The engagement forms part of ECES' ongoing Electoral, Economic, and Political Analysis to inform a pre-election context analysis. The EU delegation was led by Mr. Filiberto Sebregondi, accompanied by Ms. Daria Paprocka and Ms. Mulima K. Akapelwa, while the LAZ delegation was led by President Mr. Lungisani Zulu, alongside Vice President Ms. Matilda Kaoma Chileshe, Honorary Secretary Mr. Arnold Kaluba, Mrs. Womba Silumbu Kankondo, Council Member Mr. Anthony Kasolo and LAZ Executive Director Mr. Edward Sakala. The meeting reaffirmed a shared commitment to strengthening democratic governance and the rule of law in Zambia.



LAZ AND THE VISUAL ARTS COUNCIL SIGN MOU TO STRENGTHEN LEGAL-ARTS COLLABORATION



The Law Association of Zambia (LAZ) and the Zambia National Visual Arts Council (VAC) on Thursday, 29 January 2026, signed a Memorandum of Understanding (MoU) at LAZ House, aimed at strengthening collaboration between the legal and visual arts sectors. The MoU provides for cooperation in several areas, including the provision of legal support by LAZ to VAC and joint efforts towards the establishment of a LAZ Museum. The partnership seeks to promote cultural preservation, enhance public engagement, and improve access to legal information through the arts. Speaking at the signing ceremony, LAZ President Lungisani Zulu emphasised the importance of art in preserving national heritage and contributing to economic development. VAC Chairperson Adrian Ngoma noted that the collaboration would help make legal information more accessible to the public through creative expression.

LAZ and the Visual Arts Council sign landmark MoU to promote cultural preservation and make legal information more accessible through the arts.

LAZ ADVANCES WORK ON COMPENSATION FUND RULES THROUGH ADHOC COMMITTEE

The Law Association of Zambia continues to make steady progress on the drafting of the Compensation Fund Rules. An Adhoc Committee has been constituted and has been actively engaged, dedicating time and thoughtful effort to this important assignment. The work reflects a shared commitment to strengthening institutional frameworks that protect the profession and enhance public confidence. The Association acknowledges and appreciates the members nominated to serve on the Adhoc Committee, namely Mr. Oga Sitimela (Chairperson), Ms. Martha Kashala, Mr. Fanwell Namangala, Mr. Daniel Libati, and Ms. Nachimata Siwale, whose dedication and collegial engagement have been central to the progress made thus far. The Association further acknowledges the invaluable support of its Executive Director, Mr. Edward Sakala.



REMEMBERING THE SOUL OF OUR DEPARTED MEMBERS



MR. ROBINSON MUKULA MAKASA (1939–2025)

The late Mr. Robinson Mukula Makasa passed away on Sunday, 14th December 2025.

He will be remembered as a distinguished educator, legal practitioner, and devoted public servant whose life was defined by resilience, humility, and an unwavering commitment to justice. Beginning his career as a teacher and later serving in vocational training, he dedicated himself to empowering others before pursuing legal studies at the University of Zambia, graduating in 1989 and being called to the Bar in 1992. He served with distinction in the Ministry of Legal Affairs under Legal Aid Services, where he championed fairness and access to justice, particularly for the vulnerable. Even in retirement, he continued to mentor young lawyers through his private practice, leaving a legacy grounded in integrity, diligence, and lifelong learning.

May his soul rest in eternal peace.



STATE COUNSEL HUMPHREY HLAZO NDHLOVU (1950–2025)

The late State Counsel Humphrey Hlazo Ndhlovu passed away on Monday, 15th December 2025.

He will be remembered as a respected lawyer, mentor, and dedicated public servant whose career, spanning over five decades, left a lasting imprint on Zambia's legal profession. After earning his LL.B from the University of Zambia in 1974, he served as a State Advocate before transitioning into private practice, where he led H. H. Ndhlovu & Company with integrity and professional excellence across civil, criminal, and commercial matters. For over 30 years, he lectured at the Law Practice Institute (now ZIALE), shaping generations of legal practitioners through his practical and disciplined approach. He also rendered distinguished national service as a Commissioner of the High Court, a member of key legislative review committees, and a long-serving member of the LAZ Council.

May his soul rest in eternal peace.



SENIOR COUNSEL MRS. GWEN NAWA JOHNSON (1957–2026)

The late Senior Counsel Mrs. Gwen Nawa Johnson passed away on Saturday, 10th January 2025.

She will be remembered as a distinguished legislative drafter and dedicated public servant whose career was defined by precision, discipline, and service to the rule of law. A graduate of the University of Zambia, she served in various public institutions before excelling in legislative drafting across Zambia, Botswana, and Bermuda, where she contributed to the development of key financial services, governance, and public health legislation, including during the COVID-19 response. Widely respected for her quiet authority, integrity, and commitment to mentorship, she leaves an enduring legacy reflected in the laws she helped shape and the many professionals she guided.

May her soul rest in eternal peace.



MS. LAURA INONGE MALAO (1983–2026)

The late Ms. Laura Inonge Malao passed away on Friday, 30th January 2026.

She will be remembered by the legal profession as a measured, analytical, and dependable practitioner who discharged her duties with quiet diligence, treated colleagues and members of the public with respect, and consistently upheld the highest professional standards. Her contribution to the profession will be fondly remembered by all who had the privilege of working with her.

May her soul rest in eternal peace.



MS. CHALI BRIDGET CHIMANSE (1998–2026)

The late Ms. Chali Bridget Chimanse passed away on Sunday, 25th January 2026.

She will be remembered as an ambitious young advocate and a diligent, gifted legal practitioner who, within a remarkably short period, demonstrated exceptional promise, professionalism, and dedication to the legal profession. Her untimely passing is a profound loss, deeply felt by colleagues, friends, and all who had the privilege of knowing her.

May her soul rest in eternal peace.



HON. LADY JUSTICE DR. WINNIE SITHOLE MWENDA (1958-2026)

The late Hon. Lady Justice Dr. Winnie Sithole Mwenda, Judge-in-Charge of the Ndola High Court, passed away on 14th February 2026.

She was an accomplished jurist, an admirable mentor, a respected author, and a distinguished Lady of the Law whose career was defined by excellence, integrity, and dedicated service to the administration of justice. Widely regarded for her intellectual brilliance, fairness in adjudication, and compassion on the Bench, her contribution to jurisprudence and mentorship leaves a lasting legacy within the legal profession.

May her soul rest in eternal peace.



MS. BEATRICE FELENI MAKAMO NG'ONOMO (1946-2026)

The late Ms. Beatrice Feleni Makamo Ng'onomo passed away on 16th February 2026. On Saturday, 21st February 2026, the Law Association of Zambia (LAZ) joined the Judiciary, family, friends, and colleagues in honouring her life and legacy during a valedictory session held in her honour.

Ms. Ng'onomo was a pioneering figure in the country's legal profession. As a member of the first cohort of law students at the University of Zambia, she played a foundational role in the development of the legal fraternity in Zambia. She was remembered as a courageous trailblazer whose determination opened doors for generations of women in the profession and whose contribution remains an important part of Zambia's jurisprudential history.

May her soul rest in eternal peace.



MR. CLEMENT MWEEMBA (1975-2026)

The late Mr. Clement Mweemba passed away on 22nd February 2026. Mr. Mweemba will be remembered as an honest and upright gentleman who greatly valued mentorship and nurturing others within both his family and the legal fraternity. He was widely respected for his principled character, measured counsel, and unwavering support to those around him. His sound advice, steady guidance, and the positive impact he had on many lives will be fondly remembered.

May his soul rest in eternal peace.



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LAZ ACTIVITIES IN PICTURES

HIGH COURT CRIMINAL SESSIONS OPEN



LAZ ACTIVITIES IN PICTURES





The Lawyer's Insight

A LAZ NEWSLETTER • ISSUE 9, FEBRUARY 2026

PUBLICATION CALENDAR

January 30th - Submission Deadline

February - Newsletter published

March – Published (Special Women's Month edition)

April 30th - Submission Deadline

May - Newsletter published

June 30th - Submission Deadline

July - Newsletter published

August 30th - Submission Deadline

September - Newsletter published

October - Newsletter (Special Independence Celebrations Edition)

November 30th - Submission Deadline

December - Newsletter published (Special Xmas Edition)

UPCOMING EVENTS

Bar – Bench Conference, LAZ Law Conference & Annual General Meeting

Date: 7th to 11th April 2026

Venue: The Avani Resort, Livingstone, Zambia

LAZ 2026 Elections

Date: 11th April 2026

Venue: The Avani Resort, Livingstone, Zambia

The Pan African Lawyers Union (PALU) Annual Conference

Date: 31st August to 2nd September 2026

Venue: Cairo, Egypt

African Bar Association (AFBA) Annual Conference

Date: 20th to 24th September 2026

Venue: Sal, Cape Verde

International Bar Association (IBA) Annual Conference

Date: 4th to 9th October 2026

Venue: Bella Center Copenhagen, Denmark

LOOK OUT FOR THE NEXT EDITION!

▶ The Special Women's Month edition

If you would like to join the Editorial Team and be a contributor, please send all expressions of interest to the LAZ Secretariat at sakalae@laz.org.zm. All letters, articles, insights, thoughts and activities should be sent to our Secretariat at the same address with the subject "The Lawyer's Insight."

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