



Celebrating our **DEPARTED HEROES**

CONSTITUTION MAKING PROCESSES.
"THE PROCESS PROTECTS THE CONTENT"
WHAT DOES THIS ACTUALLY MEAN?

PAGE 06

WHAT TAXES SHOULD
LAW FIRMS PAY IN 2025?

PAGE 15

NEW LEGAL PRACTITIONERS'
(AMENDMENT) RULES, 2025
- 9 KEY CHANGES TO NOTE

PAGE 22

THE EDITOR'S INSIGHT

Who is a Hero?

Heroes are men and women of action—individuals who inspire generations to make the world a better place. We hold them up as models for our children: symbols of who we hope they become and how we hope they act.

In modern times, a hero is not always a great General or Statesman. More often, they are the people who influence society, shift perspectives, make the world a little brighter, entertain us, challenge us, or even sacrifice their lives for their ideals and values. Our heroes come from all walks of life, yet they rise above the rest. They speak to something essential in us—often not directly, but through their actions and their legacy. And they push us, even in disagreement, to reflect on who we are and who we wish to be.

In this edition of Lawyer's Insight, we honour the heroes in the legal profession who have recently passed on. Some are household names—celebrated for their global influence and remarkable contributions. Others were quieter giants—our colleagues, mentors, or friends with whom we shared ideas, laughter, and sometimes even the weight of justice. Each one left a mark that changed our lives, and our world, in ways both big and small.

However you define a hero, my hope is that this edition will be insightful, educational, and fun. Most of all, I invite you to reflect on your own journey and ask yourself: How do I want to be remembered when I am gone?

Misozi Hope Masengu
Editor | Council Member



IN THIS ISSUE



THE EDITOR'S INSIGHT	02
FROM THE PRESIDENT'S DESK	03
LAZ ANNUAL LAW CONFERENCE & AGM 2025: A FUSION OF LAW, INNOVATION, AND ECONOMIC DEVELOPMENT	06
REMEMBERING THE SOULS OF OUR DEPARTED HEROES	09
CONSTITUTION MAKING PROCESSES. "THE PROCESS PROTECTS THE CONTENT" WHAT DOES THIS ACTUALLY MEAN?	13
WHAT TAXES SHOULD LAW FIRMS IN ZAMBIA PAY IN 2025?	15
"WHEN THE GOWNS CLASH": MEDIATING CONFLICT BETWEEN SENIOR AND JUNIOR ADVOCATES IN A LAW FIRM	19
NEW LEGAL PRACTITIONERS' (AMENDMENT) RULES, 2025 - 9 KEY CHANGES TO NOTE	22
THE CLOSED DOOR TO SILK IN ZAMBIA: HAS THE LAW ASSOCIATION OF ZAMBIA MADE IT IMPOSSIBLE TO BE CONFERRED WITH THE DIGNITY AND RANK OF STATE COUNSEL?	25
NOMINATIONS AND APPOINTMENTS OF WOMEN, YOUTH, AND PERSONS WITH DISABILITIES TO PUBLIC OFFICES - IS ARTICLE 259 OF THE CONSTITUTION ADEQUATE?	28
LAZ ACTIVITIES LATELY...	31
MEET THE JLC EXCO	44
LAZ ACTIVITIES IN PICTURES	47

FROM THE PRESIDENT'S DESK

Greetings to the membership.

Over the past few months, your Council has been inundated with a range of responsibilities and engagements. As we reach the midpoint of the year, it is both necessary and prudent to pause and reflect on our progress. This period of reflection allows us not only to account for the strides we have made, but also to reaffirm our dedication to the values and objectives that bind us together. I want to assure you, that we remain fully committed to delivering on the mandate of the Association, and we are firmly on course with implementation of our 2024 -2026 agenda.

As LAZ, we join the rest of the nation in mourning the passing of Dr. Edgar Chagwa Lungu, Zambia's Sixth Republican President, who died on 5th June 2025 in Pretoria, South Africa. We continue to be hopeful that the current stand-off between the Lungu family and the State will be resolved amicably and swiftly. We also mourn the demise of other luminaries in the legal profession, such as the late Dr. Rodger Chongwe, S.C, the late Mr. Willie Mubanga, S.C and Justice Naboth Mwanza. Indeed, these were all heroes in their own right. We are happy to announce that we successfully held our Annual General Meeting (AGM) and Law Conference, from 22nd to 26th April, 2025 at the beautiful Avani Victoria Falls Resort in Livingstone; under the theme "Law, Innovation and Economic Development: Spotlighting the Mining Sector." The theme was carefully chosen to mark a deliberate stance by the legal profession to innovate the practice of the law in Zambia, so as to broaden the contribution of lawyers to Zambia's economic development. This is in line with our agenda, to enhance business opportunities for lawyers. I confirm that the Law conference was a huge success in this regard.

I am also pleased to report that, in terms of financial performance, the 2025 AGM and Law Conference recorded a profit of ZMW 1,789,041.05. This reflects not



only significant income growth, but also our deliberate efforts to diversify revenue streams. A key success factor was the introduction of varied excursions and activities, which were well-received at the conference. A special thank you to the AGM Committee for the brilliant ideas for the conference. This outstanding financial performance underscores our ongoing commitment to improving resource mobilisation and ensuring the long-term financial stability of the Association.

On the reform front, we are pleased to inform you that the Legal Practitioners' (Amendment) Rules, 2025 (Statutory Instrument No. 50 of 2025) have been issued. The 2025 Rules essentially amend the Legal Practitioners' Practice Rules (2002), to inter alia, eliminate restrictions on tendering for legal services and contingency fees. In the same vein, the Legal Practitioners' (Continuing Professional Development) Rules, 2025 (Statutory Instrument No. 44 of 2025) have been issued, to ensure that the membership continuously honed their legal skills and serve society better. Going forward, members will be required to take a minimum number of CPD hours as a precondition for renewing the practicing license. These milestones are significant for the Association and are in accord with our agenda to reform the laws regulating the legal profession, so as to modernise the practice of law in line with international standards and 21st century modern practice trends. In that space, take advantage of the inaugural Summer School to be held in Siavonga, scheduled from 22nd to 26th September 2025. We hope for it

**I am also
 pleased to
 report that,
 in terms of
 financial
 performance,
 the 2025
 AGM and Law
 Conference
 recorded a
 profit of ZMW
 1,789,041.05.**

to be an international and annual event going forward, to accrue some CPD hours. The Council is in the process of constituting the CPD Committee and will keep the membership abreast of the relevant progress.

In line with our objective to foster collaborations with both local and international institutions, we recently hosted the President of the International Bar Association (IBA), Mr. Jaime Carey and Dr. Babatunde Ajibade, who heads the IBA Section of Public and Professional Interest. We had a series of meaningful engagements on among other things, a Public Lecture

on the role of the legal profession in governance and development. We are also happy to report that through the International Relations and Scholarships Committee, some of our members have been selected under the prestigious Ireland Fellowships Program for the period 2025 to 2026. This underscores our commitment to increase the Association's visibility on a global scale.

On the Welfare front, we began hosting a series of LAZ Game Nights to strengthen networking among lawyers and with other professional bodies. We have also introduced "The Writ – Matebeto," please visit The Writ on on Fridays to enjoy a flavourful meal with your colleagues!

Finally, we are excited to announce that the annual LAZ Marathon is scheduled for 30th August in Ndola. Our Kopala lawyers are ready to welcome us for what promises to be an energetic and memorable event. We encourage all members to dust off your running shoes and prepare to participate. Let's show up in great numbers and make this year's marathon a resounding success! Please register early to avoid last minute panic or entirely missing out.

We appreciate your continued support to Council, as we work toward our shared vision to build a thriving Association. I am most grateful.

Lungisani Zulu
President of the Law Association of Zambia

TAILORED EMPLOYEE BENEFITS

TO POWER YOUR LAW FIRM

As a trusted partner to gratuity, retirement funds and employers of all sizes, Prudential Pensions Management Zambia, part of Prudential Plc leverages more than 175 years of experience and insight to facilitate meaningful conversations that lead to tailored solutions. We believe that through open and informed dialogue, we can guide better choices, protect what matters most, and help our clients and their employees navigate the complexities of business, work and life.

By partnering with us, you gain an ally in creating a workplace that truly supports your employees' diverse needs. We help partners manage their employees' benefits while the partners concentrate on doing what they know best. Together, we can foster an environment where financial well-being, mental health and professional growth go hand in hand, empowering your workforce to thrive in all aspects of their lives.



We also have

**SOLUTIONS TO HELP
YOU CREATE WEALTH**
FOR YOU AND YOUR FAMILY

Contact Us:

-  ppmz@prudential.co.zm
-  752
-  +260 96 9170610
-  www.prudentialpensions.co.zm
-  Prudential Support Office, Plot F377/9H/2, Kabulonga Road, Kabulonga

Our reason is *you*

LAZ ANNUAL LAW CONFERENCE & AGM 2025: A FUSION OF LAW, INNOVATION, AND ECONOMIC DEVELOPMENT

By Gloria Mumba – Kalambo, LAZ Communications Officer



The Law Association of Zambia (LAZ) successfully hosted its 2025 Annual Law Conference and Annual General Meeting (AGM) from 22nd to 26th April at the breathtaking Avani Victoria Falls Resort in Livingstone. This year's event was held under the theme: *"Law, Innovation and Economic Development: Spotlighting the Mining Sector."*

Reflecting the timeliness and importance of the theme, the conference was officially opened by the Minister of Mines and Minerals Development, Hon. Paul C. Kabuswe,

MP, and graced by the presence of the Minister of Justice, Hon. Princess Kasune. LAZ President Mr. Lungisani Zulu welcomed delegates with a call to action for legal practitioners to align their expertise with national development priorities. The keynote address was delivered by Stanbic Bank Zambia Chief Executive Officer, Mr. Mwindwa Siakalima, who spoke on *"Leveraging Legal Innovation to Drive Sustainable Growth in Zambia's Mining Sector."*

Arguably, the most memorable moment of the opening ceremony

was the conferring of special honours to distinguished members of the legal fraternity, in recognition of their outstanding service and contributions to the profession. Prominent constitutional lawyer and State Counsel, Mr. John Sangwa, received the President's Lifetime Excellence Achievement Award in recognition of his longstanding service, relentless advocacy for constitutionalism, and unwavering commitment to justice in Zambia.

The President's Leadership Excellence Award was presented to

four remarkable individuals: former LAZ President Ms. Linda Kasonde, Mr. Samson Lee Chisulo SC, Mr. Silas Mambwe (former member of the Legal Practitioners' Committee), and Mr. Vincent K. Mwewa. These awards celebrated their integrity, influence, and visionary leadership in advancing the legal profession. Additionally, Mr. Chanda Chungu, a lecturer at the University of Zambia was named *Pro Bono* Counsel of the Year, having handled an impressive 63 pro-bono cases over the past year, a strong demonstration of his commitment to access to justice. LAZ congratulates all the awardees and celebrates their excellence as a source of inspiration for the entire profession.



The Law conference featured a robust programme of intellectually engaging discussions and practical presentations designed to equip legal practitioners for contemporary challenges. Topics explored included: Law Firm Succession Planning for Sustainable Practice in Zambia – Practical Aspects; Mining Business in Zambia: Opportunities, Challenges, and the Role of Lawyers; Asset

Declaration in Zambia: A Tool for Prudent Financial Management; How Zambian Lawyers Can Support Chinese Investors and Investment; Modern Trends in Criminal Justice: Economic and Financial Crimes Court; Lawyers' Billing Practices: Liens, Contingency, and Ethical Considerations for a Rewarding Practice, among others.

Resolutions of the AGM

In addition to the conference sessions, the AGM resolved as follows:

1. **Discontinuation of Building Levy** – The Members resolved to discontinue the building levy beginning the year 2026, having achieved its intended purpose to build the LAZ House.
2. **Standardised Funeral Procedures** – The AGM approved the adoption and implementation of standardised funeral protocols to ensure consistent and compassionate support for the families of deceased members. These are to be enforced immediately by the Secretariat.
3. **Pro Bono Fund Establishment** – The Members endorsed the creation of a Pro Bono Fund and ratified its Rules and Guidelines. The Fund includes a reimbursement cap of K1,000 per person, per matter, per year. The Council was tasked with overseeing its implementation, monitoring its impact, and providing regular updates to the membership.





4. Appointment of Auditors

– The AGM approved the reappointment of HLB as the official Auditor for the 2025 financial year.

To ensure a holistic experience, a variety of dynamic extracurricular activities were organised alongside the formal sessions. These included: the Welcome Cocktail, the LAZ Annual Moot Court Competition (organised by the Junior Lawyers Committee), bungee jumping, helicopter rides, white-water rafting, train rides, boat cruises, and the lively LAZ Bash, all of which offered members opportunities to network, unwind, and build camaraderie.



The conference concluded in grand style with a Gala Dinner themed “*Zambian Mineral Elegance*.” It was officiated by Hon. Mr. Justice Mwiinde Siavwapa, Judge President of the Court of Appeal. The evening also featured a mini-fashion show celebrating Zambia’s growing fashion and design industry, offering a perfect blend of elegance, culture, and appreciation for local talent.

REMEMBERING THE SOULS OF OUR DEPARTED HEROES

DR. EDGAR CHAGWA LUNGU

Dr. Edgar Chagwa Lungu passed away on Thursday, 5th June 2025, in Pretoria, South Africa. He served as the sixth president of Zambia, from 26th January 2015 to 24th August 2021.

President Lungu was born 11th November 1956. He obtained a degree (LLB) from the University of Zambia in 1981 and later joined the law firm Andrea Masiye and Company in Lusaka. He subsequently underwent military officer training at Miltez in Kabwe under Zambia National Service (ZNS). He then returned to practising law, and later entered politics. He previously served as Minister of Justice and Minister of Defence under the late president Michael Sata.

May his legacy be remembered, and may his soul rest in eternal peace.

HON. MR. JUSTICE NABOTH MASTAIN MWANZA (RETIRED)

His Lordship, Hon. Mr. Justice Naboth Mastain Mwanza (Retired), was born on 15th August 1945 and passed away on Wednesday, 16th July 2025, in Lusaka.

Justice Mwanza was appointed Chairman of the Industrial Relations Court (IRC) on 2nd March 1994, and later elevated to the position of Judge of the High Court on 31st July 2003, a role he held with distinction until his retirement on 9th March 2010.

Throughout his illustrious career, he served in various key positions, including Principal Resident Magistrate, District Registrar of the High Court, Director of the Legal Aid Department, and Chairperson of the Magistrates Association of Zambia for the Copperbelt Branch, among others.

He will be fondly remembered for his fearlessness in the execution of duty, and for his gentle demeanor toward advocates who appeared before him.

May His Soul Rest in Peace.

DR. RODGER MASAUSO ALIVAS CHONGWE, SC

The late Hon. Dr. Rodger Chongwe, S.C, died on Tuesday 6th May 2025. He was former: Minister of Justice, LAZ President, Commonwealth Lawyers Association (CLA) President, the International Bar Association (IBA) President, and a distinguished legal practitioner and statesman. Dr. Chongwe served the nation with unwavering commitment, and left a lasting legacy in the legal fraternity. He will be fondly remembered for his contribution to the rule of law and justice in Zambia.

During the valedictory session held on 12th May 2025, and presided over by the Deputy Chief Justice, Hon. Mr. Justice Michael Musonda, S.C, the late Dr. Chongwe was described by the DCJ as “A global and celebrated legal luminary and icon; a legal practitioner par excellence; An internationally adored and recognized human rights jurist and champion; a global leader of the legal profession’ and a gentleman.” He further went on to reflect as follows:

“...He returned to Zambia in January 1989 as a qualified lawyer and joined Martin and Company as an Assistant Solicitor before rising to the position of Partner, In 1970, Dr. Chongwe co-founded Mwisiye, Chongwe and Company before finally setting up his own law firm, RMA Chongwe and Company, 7 years later. RMA Chongwe and Company, like its founding partner became a highly respected law firm in Zambia, which nurtured a number of respected lawyers in this country such as Mr. Louis Mukande, SC, Chairperson of the Judicial Service Commission, Mr. Robert Simeza and Mr. John Sangwa, both State Counsel and many others.”

LAZ described Dr. Chongwe as “the grandmaster of the law,” a mentor to many distinguished legal practitioners, and a towering figure who played a significant role in shaping Zambia’s legal and political landscape.

The late Dr. Chongwe was laid to rest on Tuesday, 13th May 2025, in his home village in Chipangali district in Eastern Province.

May his soul rest in eternal peace.



MR. WILLIE AUBBIE MUBANGA, S.C

The late Mr. Willie Aubbie Mubanga, SC, of Messrs. Chilupe, & Permanent Chambers, passed away on Tuesday, 17th June 2025.

A man of exceptional legal acumen and principle, Mr. Mubanga made his mark early in his career when he served as one of the defence lawyers in the landmark cases of *The People v. Musakanya*, and *The People v. Edward Shamwana & Others* in 1981 and 1982 respectively. These high-profile cases highlight his courage, unwavering commitment to due process, and dedication to the protection of human rights.

Mr. Mubanga also rendered distinguished service to the Law Association of Zambia. He was a vocal and committed member, serving as Convenor of both the Human Rights Committee and the Administration of Justice Committee, and as a respected member of the LAZ Council.

The valedictory session was held on Friday, 20th June 2025, and presided over by the Chief Justice of Zambia, His Lordship Hon. Dr. Justice Mumba Malila, S.C. Speaking on behalf of the profession, the Law Association of Zambia President, Mr. Lungisani Zulu, described Mr. Mubanga as a man of deep integrity and humility, whose mentorship positively shaped the careers of many young lawyers. His contributions to the development of Zambia's legal system remain a lasting legacy.

May his soul rest in eternal peace.



MR. STEMBRIDGE CHIRAMBO

The late Mr. Stembridge Chirambo was born on 20th February 1946, and passed away on Tuesday, 15th July 2025. Mr. Chirambo was the esteemed founder of Stembridge Chirambo & Co. Legal Practitioners in Chipata, where he made significant contributions to the law.

Admitted to the Bar in 1980, he served in several distinguished public service roles, some of which included Board Secretary of the Zambia National Tourism Board from 1982 to 1986, and subsequently, Managing Director of the same institution from 1988 to 1992. In 1999, he went on to serve as Deputy Director of the Legal Aid Board.

Mr. Chirambo will be fondly remembered by the legal profession for his kindness, empathy, and unwavering dedication, qualities that left a lasting impact on those who knew and worked with him closely.

May his soul rest in eternal peace.



MR. WILLIAM CHONGO LOMBE

The late Mr. William Chongo Lombe, formerly of WC Lombe and Company, was born on 6th June 1957 and was admitted to the Zambian Bar on 15th November 1996. He passed away on Sunday, 20th July 2025.

Mr. Lombe will be remembered for his dedication to the legal profession and his contributions to the practice of law in Zambia.

May His Soul Rest in Eternal Peace.



MR. REX ZAMBWE

The late Mr. Rex Zambwe was a Lusaka-based lawyer, born on 24th August 1985. He sadly passed away on Sunday, 11th May 2025, at St. John's Hospital. He was the founder and Managing Partner of Zambwe & Partners.

He will be fondly remembered by the legal fraternity as a kind and joyful colleague, who lit up every room he entered with his warmth and positivity. Mr. Zambwe's colleagues from walks of life, showed up to mourn his passing in a befitting manner, and to show his family immense support in his honour.

May his soul rest in eternal peace.

CONSTITUTION MAKING PROCESSES. “THE PROCESS PROTECTS THE CONTENT”. WHAT DOES THIS ACTUALLY MEAN?

By **Daniel S. Libati**, Esq. LLB, LLM (UNZA), AHCZ

Current Process for Proposed Amendments to the Constitution

On the 26th of March 2025, the Honourable Minister of Justice, Ms. Princess Kasune, announced to the nation a roadmap for constitutional amendments. She outlined a reform agenda anchored in the ruling United Party for National Development (UPND) 2021-2026 Manifesto. The process as announced, was expected to kick off immediately, beginning with the Minister's update in the National Assembly, followed by the release of a report from the Electoral Commission of Zambia (ECZ), the drafting of proposed amendments, public consultations that were expected to take place from the 21st of May up to the 21st of June 2025 (Lusaka Times Website. 26th March 2025. *New Dawn for Zambia: Justice Minister Announces Constitutional Changes*. Viewed at <https://www.lusakatimes.com/2025/03/26/new-dawn-for-zambia-justice-minister-announces-constitutional-changes/> on 17th June 2025).

Reaction from Stakeholders

Naturally, the announcement by the Minister was bound to receive mixed reactions from stakeholders. There were always going to be those that supported the Minister's announcement, for obvious reasons. Likewise, there were always going to be other stakeholders that were going to oppose the announcement.



Evangelical Fellowship of Zambia

On the 28th of May 2025, the Evangelical Fellowship of Zambia (EFZ) Executive Director, Bishop Andrew Mwenda, was quoted as having said that the church mother body was not in support of the ongoing constitutional amendment process. He expressed concern that EFZ and other key stakeholders continued to be sidelined in the process, despite

raising valid concerns on behalf of the people. He emphasised that the church was not against constitutional reforms in principle, but insisted that such processes must be inclusive, consultative, and undertaken at an appropriate time when the country's more urgent socio-economic issues had been addressed (Radio Christian Voice Website. *Constitutional Amendments should be withdrawn – EFZ*. Viewed on 17th June 2025 at <https://rcv.co.zm/constitutional->

[amendments-should-be-withdrawn-efz/](#).

Non-governmental Gender Organisations Coordinating Council

On the 2nd of June 2025, the Non-governmental Gender Organisations Coordinating Council (NGOCC) through its Chairperson, Ms. Beauty Katebe, expressed serious concerns regarding the process and content of the proposed amendments. She stated that it was disappointing that the process did not take on the standards of transparency, consultation and inclusiveness. She also said that NGOCC was concerned that the Electoral Review (sic Reform) Technical Committee (ERTC) Report which informed key proposals had not been made public, thereby raising serious transparency concerns and undermining public trust. She urged the Government to pause and reconfigure the process so as to make it truly inclusive and guided by broad consensus (NGOCC Facebook page. 2nd June 2025. [NGOCC rejects Constitution Amendment Bill No. 7 of 2025](#). Viewed at <https://www.facebook.com/NGOCC.ZM/posts/press-statementfor-immediate-release2nd-june-2025ngocc-rejects-constitution-amen/682873724383469/> on 17th June 2025).

Law Association of Zambia

On the 4th of June 2025, the Law Association of Zambia (LAZ) was quoted as having charged that Constitution Amendment Bill No. 7 of 2025 must be withdrawn, stating that it lacked stakeholder involvement and participation as required by the basic tenets of Constitutionalism. LAZ President, Mr. Lungisani Zulu stated that the proposed constitutional amendment process excluded stakeholders and citizens from involvement. He was quoted as having said that the proposed Bill appeared to have been published in the Gazette merely for citizens' general information without any established pathway for meaningful participation prior to its submission to the National Assembly (Mwebantu Facebook

page. *Constitution Amendment Bill Number 7 of 2025 must be withdrawn – LAZ*. Viewed on 17th June 2025 at <https://www.facebook.com/Mwebantu/posts/the-law-association-of-zambia-laz-has-charged-that-constitution-amendment-bill-n/1152285076933514/>).

Mr. Zulu stated that Government had not disclosed any information on the processes adopted in formulating the content of the Bill and changes, nor had it provided information on which stakeholders made recommendations on the proposed content. He said that it was the position of LAZ that the Constitution was a people's document and their involvement in its formulation was not subject to any exceptions (Ibid).

The Process Protects the Content – What Does this Actually Mean?

From the reactions of the EFZ, NGOCC and LAZ, it is clear that these institutions have taken exception to the process adopted by the Government. In fact, any student of constitutional law will tell you that in the discourse of constitution making, it is not uncommon to hear the phrase 'process protects content.' However, this begs the question as to what that phrase actually means. To answer this question, I would suggest that we draw from the wisdom of one great son of the soil, Professor Muna Ndulo, a legal luminary, widely respected on issues of constitution making, not only in Zambia, but also across the continent and indeed the globe.

A few years ago, when he featured on HOT FM's Red Hot Breakfast Show, Professor Muna Ndulo was quoted as having stated that the lack of a good process was one of the main drivers of the failure of the Zambian Constitution-making process. He added that one of the key things that should happen, was to agree on a process that could produce a good constitution that looked at all the viable elements that needed to be put in place. He said that a major problem in the constitution-making process was **the process**

itself, which was as important as the content, for one cannot have a good constitution without a good process (Lusaka Times Website. 19th July 2022. *Failure of the Zambian Constitution making process is due to lack of experts involvement*. Viewed on 17th June 2025 at <https://www.lusakatimes.com/2022/07/19/failure-of-the-zambian-constitution-making-process-is-due-to-lack-of-experts-involvement-ndulo/>).

Professor Ndulo explained that the idea of setting up commissions and adopting a commission-based process was only good for gathering information, which was why in Zambia today, we have an abundance of information in terms of the peoples' views about the constitution making process. This also posed a challenge on how to use the information in order to move forward. He also said that it did not matter what content you had, but if the process was wrong, you were going to have disagreements (Ibid).

He further stated that the Constitution making process was not the responsibility of the government alone, but for everybody, such as the press, political parties and all stakeholders that can help to create an understanding that the constitutional making process is a national matter not a political party issue. According to Professor Ndulo, political parties must begin to understand that the constitution making process was a national project, which needed a framework and not some piece of policy legislation which could be argued about (Ibid).

Conclusion

Without taking anything away from the stakeholders that have been quoted hereinabove, more so, the explanation of the renowned Professor Muna Ndulo, we can safely conclude that any meaningful constitution-making process is just as important as the content of the outcome of that process. Whether one agrees with this or not is debatable.

WHAT TAXES SHOULD LAW FIRMS IN ZAMBIA PAY IN 2025?

By **Nsatusile B. Mgone**, Tax and Legal Practitioner, LL.B, LL.M, AHCZ, ASCZ



It is no surprise that the halfway mark of 2025 calls for reflection, review, and renewed planning. As a matter of fact, individuals across all walks of life are, more than likely, assessing their goals, celebrating successes, and addressing setbacks. Law firms are no exception, though their mid-year evaluations carry greater stakes. Beyond technical and operational reviews, law firms must navigate a complex array of compliance demands, with tax obligations at the forefront. As guardians of justice, mastering tax compliance is not merely a legal necessity, but also a strategic cornerstone for staying ahead in an increasingly competitive legal market.

This article seeks to address a key question: What taxes should law firms in Zambia pay in 2025? As any lawyer would say, the answer is: it depends. Tax obligations vary based on the nature of the transaction or obligations that give rise to the liability under consideration. From Pay As You Earn (PAYE) to Value Added Tax (VAT), and the newly introduced requirements for Tax Clearance Certificates

(TCCs), this article will provide an overview of the key tax considerations that every law firm must be aware of. It is intended to serve as a general, non-exhaustive guide and is not a substitute for in-depth legal or tax advice.

1. Pay As You Earn (PAYE)

The first and most common tax obligation for law firms pertains to their employees- covering associates, accountants, interns, and any other staff members engaged by the firm. This obligation arises from the taxation of emoluments, a term deliberately used instead of “salaries” due to its broader legal definition under the Income Tax Act, which includes, salary, overtime, leave pay, commissions, fees, bonuses, gratuities, benefits (whether monetary or not), allowances (including inducement allowances), pensions, and annuities all paid in connection with employment or office.

As the name suggests, Pay As You Earn (PAYE) is levied on an individual's taxable emoluments, meaning the higher the

earnings, the higher the tax payable. Below is a breakdown of the applicable tax bands for 2025, notably these have been consistent from 2024:

From (ZMW)	To (ZMW)	Tax Rate
0	5,100	0%
Above 5,100	7,100	20%
Above 7,100	9,200	30%
Above 9,200		37%

While Pay As You Earn (PAYE) is a key tax obligation for law firms, it is equally important to understand which payments fall outside its scope.

Notably, certain payments are not subject to PAYE. These include ex-gratia payments made by an employer to the spouse, child, or dependent of a deceased employee or directly to the employee. Medical expenses covered by the employer, including reimbursements for medical costs incurred by an employee, are also exempt. Funeral expenses paid or borne by the employer on behalf of an employee, as well as Labour Day awards, whether given in cash or kind, do not attract PAYE. Additionally, per diems and travel allowances paid to employees working out of town are excluded from this tax.

Other Statutory Obligations to Consider

In addition to PAYE, law firms must also consider employment related statutory obligations, including but not limited to, National Health Insurance Authority (NHIMA), National Pension Scheme Authority (NAPSA), Worker's Compensation Fund (WCF) and Skills Development Levy (SDL).

A noteworthy tax enhancement in 2025 relates to the Skills Development Levy (SDL). Law firms and other businesses will now be allowed to deduct SDL paid or payable for a charge year when calculating their taxable gains or profits. Practically, being allowed to deduct SDL means that law firms can now lower their taxable income by the amount of SDL, whether it is paid or still owed, thereby reducing their taxable gains to that extent. This is a welcome development, as it offers greater flexibility in financial planning and cash flow management. Aligning this change with a firm's financial strategy will be essential to maximize its benefits.

2. Personal Income Tax (PIT)

Under the Zambian Income Tax Act, a partnership is not considered a separate taxable entity. Instead, tax obligations fall on individual partners rather than the partnership itself.

Despite this, the law mandates that individuals engaged in a partnership must file a collective return on behalf of the business. For instance, in a partnership with two members, three tax returns are required: one for each partner, reflecting their share of taxable income, and a joint return for the partnership. However, while the partnership return consolidates all earnings generated by the business, it does not bear any tax liability. Instead, each partner is taxed individually based on their portion of the partnership's taxable income.

The above is in contrast to Corporate Income Tax (CIT) which is levied on the income of the business, being a separate legal entity. With regards PIT, the applicable tax rates on the income of the individual partners is in accordance with the PAYE tax bands as tabulated in 1, above.

3. Withholding Tax (WHT)

In Zambia, withholding tax (WHT) applies to payments made to law firms for legal services rendered. According to the Income Tax Act, clients who engage law firms must deduct WHT at the prescribed rate, currently 15% for residents and 20% for non-residents, before making payments for legal fees. The deducted tax must then be remitted to the Zambia Revenue Authority (ZRA). However, if the law firm is tax-compliant and holds a valid tax clearance certificate, it may apply for an exemption from WHT and be furnished a WHT Exemption Certificate which will function to ensure the client does not withhold from the payment. Failure to withhold and remit the tax can result in penalties and interest charges.

4. Value Added Tax (VAT)

Value Added Tax (VAT) is applicable on the taxable supply of goods and services, including those provided by law firms. Legal services offered by law firms are subject to VAT if the firm's annual turnover exceeds the prescribed threshold (currently this is pegged at ZMW 800,000) for VAT registration. Once registered, law firms must charge VAT at the standard rate of 16% on their fees for legal services and remit the collected tax to the Zambia Revenue Authority (ZRA).

In addition to the standard VAT obligations, law firms in Zambia must comply with the electronic invoicing (smart invoicing) requirement introduced by the ZRA effective 2024. This mandate requires law firms to issue invoices electronically for all taxable transactions, ensuring that the VAT collected is properly documented and tracked. Electronic invoicing helps streamline VAT compliance, providing real-time data for the ZRA to monitor tax collection and reducing the risk of errors or fraud. To ensure compliance with regulatory obligations and mitigate the risk

of penalties, law firms must engage proactively with the ZRA and integrate invoicing systems that meet the prescribed standards.

5. Turnover Tax

Effective 2025, significant updates have been made to the Turnover Tax regime which will have a direct impact on law firms with annual turnovers of up to ZMW 5,000,000, including those earning rental income from property letting. These changes, administered by the ZRA, aim to simplify tax obligations for smaller firms while adjusting rates to reflect varying revenue levels, offering both opportunities and challenges for legal practices. The notable changes are summarised below:

- **Expanded Turnover Threshold:** The annual turnover threshold for Turnover Tax has increased from ZMW 800,000 to ZMW 5,000,000. Law firms with gross revenue (excluding interest, dividends, royalties, or consultancy services) up to ZMW 5,000,000 now fall under this regime, and would be required to pay a 5% tax (an increase from the previous 4%) on gross revenue. Notably, smaller businesses, including some firms with annual turnovers of ZMW 12,000 or less remain exempt.
- **Revised Property Letting Rates:** For law firms generating rental income, such as from leasing office premises or other properties, the Turnover Tax structure has been updated to a more progressive system, highlighted below:
 - a) **0%** for gross rental income up to ZMW 12,000 per annum, preserving tax relief for low-revenue property letting.
 - b) **4%** for gross rental income between ZMW 12,001 and ZMW 800,000 per annum, creating a new bracket for moderate earners.
 - c) **16%** (up from 12.5%) for gross rental income exceeding ZMW 800,000 per annum, targeting firms with significant rental revenue.

The broader Turnover Tax threshold simplifies compliance for small to medium-sized law firms by basing tax on gross revenue, eliminating the need to calculate expenses or losses. However, the 5% rate on general turnover and 16% on higher rental income could increase tax liabilities for firms with low profit margins, such as those with high costs for staff, office maintenance, or legal resources.

6. Property Transfer Tax (PTT)

Property Transfer Tax (PTT) remains a familiar tax for law firms, particularly those actively involved in conveyancing and commercial transactions. However, effective from 2025, there has been a significant and somewhat surprising increase in the PTT rates. This adjustment has caught

many in the legal community off guard. The new rates, as outlined below, will have notable implications for property transactions, and law firms must ensure they are well-informed to guide their clients accordingly.

Type of transaction	Applicable tax rate as at 2025
Mining right for mining licence	10% of the realized value
Mining right for an exploration licence	8% of the realized value
Mineral processing licence	10% of the realized value
Transfer of Land	8% of the realized value
Transfer of Shares	8% of the realized value
Transfer of Intellectual property	8% of the realized value

***Realized value** is a technical term defined in the Property Transfer Tax Act, with its application varying based on the type of property being transferred. At a high level, for **land**, the realized value is the price it could reasonably fetch on the open market at the time of transfer, as determined by the Zambia Revenue Authority (ZRA) Commissioner General. For **shares** in a Zambian company, it is the higher of the open market price or the share's nominal value, as assessed by the Commissioner General. Where the shares are from a foreign company owning at least 10% of a Zambian company, the realized value is the highest of: (a) the proportion of the Zambian company's value relative to the foreign company's value ("the proportion") multiplied by the market value of the transferred shares; (b) the proportion multiplied by the consideration paid; or (c) the proportion multiplied by the nominal value. For **intellectual property** or mining rights, the realized value is the higher of the actual price or the value determined by the Commissioner-General.

7. Advance Income Tax (AIT)

Effective 2025, individuals or partnerships exporting goods for commercial purposes without a tax clearance certificate are required to pay advance income tax at a rate of 15% at the port of entry. Similarly, for transactions exceeding USD 2,000 (or the Kwacha equivalent) remitted through a commercial bank without a tax clearance certificate, a 15% advance income tax is also applicable.

In order to avoid incurring liability for the AIT referenced above, law firms must demonstrate compliance with all relevant tax obligations and be in possession of a valid tax clearance certificate.

8. Increased Tax Clearance Certificate Requirements

Effective 2025, numerous transactions will require the production of a valid tax clearance certificate (TCC). Below is an explanation of how these requirements would potentially relate to law firms:

- a) **Property Transfers** – When a law firm is involved in registering the transfer of property, the transferor must provide a valid TCC.
- b) **Motor Vehicle Ownership Registration** – This is required when a law firm is handling the registration of motor vehicle ownership.
- c) **Trading Licenses** – Law firms must present a valid TCC when applying for or renewing their trading license under any written law.
- d) **Mining and Minerals Permits** – If a law firm is involved in facilitating applications for the following licenses, the applicant must provide a TCC: Exploration licenses, Mining licenses, Mineral processing licenses, Gold panning certificates, Mineral trading permits and Mineral import or export permits.
- e) **Government Permits and Licenses** – Law firms must present a valid TCC when applying for any permits or licenses issued by government ministries, departments, or agencies.
- f) **Commercial Transactions** – Law firms must ensure that any suppliers of goods or services, present a valid TCC before engaging in business transactions with them.
- g) **Regulatory Compliance for Lawyers** – Law firms must present a valid TCC when registering or renewing practicing certificates or licenses with professional regulatory bodies.
- h) **Other Regulated Entities** – When law firms or their employees are required to register or renew memberships with regulatory bodies, a TCC is required.

Some notable transactions excluded from the requirement of a TCC, include:

- a) Law students who may be registering with a regulatory institution, such as law school or a bar association shall not be required to produce a TCC.
- b) Individuals not engaged in business activities relating to the requesting institution or authority will not be required to produce a TCC.
- c) Transactions worth below ZMW 200 per transaction for

goods and services provided by the law firm.

- d) Agricultural produce transactions with a value not exceeding ZMW 10,000 per transaction (if the law firm is involved in such transactions).

Conclusion

How will your law firm elevate the tax compliance strategy this year and beyond?

Here are a few suggestions:

- a) Ensure your finance and compliance teams are well equipped and updated with all the regulatory requirements. It's easier to get it right than to fix a wrong-then again, no one knows this better than our lawyers, or atleast they ought to know.
- b) The ZRA should be deemed as a friend and not a foe. If found wanting, Voluntary disclosures and Time-to-pay agreements are possible options that would be facilitated through dialogue with the ZRA.
- c) Taxes are volatile! especially in our jurisdiction-given the controversy of the changes that became effective in 2025. Chances are that this entire article may lose relevance next year. It is essential to stay vigilant, verify positions and ensure you engage tax experts regularly for bespoke solutions.

As the Zambian government continues to focus on enhancing domestic resource mobilisation, law firms can expect even more stringent tax compliance measures moving forward. To navigate this evolving landscape successfully, it is crucial for law firms to remain proactive, strategic and to ensure consistent compliance with all tax regulations to avoid penalties and safeguard their operations.

As the Zambian government continues to focus on enhancing domestic resource mobilisation, law firms can expect even more stringent tax compliance measures moving forward.

“WHEN THE GOWNS CLASH”: MEDIATING CONFLICT BETWEEN SENIOR AND JUNIOR ADVOCATES IN A LAW FIRM

By **Namkobe Laura Bwayo** – Advocate of the High Court of Kenya ,
Certified Professional Mediator (CPM, MTI EA) & Director, Diani Mediation Center

“Mediation is not weakness. It’s how strong minds find common ground.”

~ Prof. Harold L. Abramson

Running a law firm is not for the faint-hearted. You’re the founder, the boss, and often the Human Resource Manager all in one. But what happens when things go wrong within your firm, say, an argument with an associate, a pupil(Trainee) who keeps missing deadlines, or a receptionist with a misplaced sense of entitlement, and there is no Human Resources department to step in?

With that in mind, let’s talk about something that few in the legal profession like to acknowledge: internal conflicts in law firms. It’s about the silent wars waged behind closed doors between the Junior Advocate who stays up until midnight drafting a ten-page opinion, only to receive a one word reply from a Senior: “Redo” or “?????”. It is about misaligned expectations, bruised egos, and emotional stress.

Can Mediation Work in a Law Firm?

Yes and No.

Most of the time, Advocates recommend “out of court” settlement or mediation to their clients. But when



conflict arises in our own backyards, we often shy away from the same solution. We frequently advocate for mediation to resolve clients’ disputes, yet rarely use it within our own practice. The tension between Senior and Junior Advocates is more common

than we would care to admit. Conflicts often stem from a Junior Advocate feeling underpaid, overworked and unappreciated on one hand, and the Senior Advocate feeling that the Junior is unprofessional, overambitious, ungrateful, or lacking intellectual

muscle. This paints a picture of a perfect storm, and one without a solution. The fallout affects not just morale, but also productivity and the firm's reputation.

For mediation to work in a law firm, the firm's leadership must intentionally embrace it. This seems simple, but it's not the norm in most if not all firms. Why? because Advocates are trained to argue, to win, and to be right. Mediation, on the other hand, requires understanding, compromise, and a willingness to preserve relationships. While Advocates often make excellent mediators for others, they can be the most difficult mediation clients, unless they consciously check our habits and patterns at the door.

Then why Do Advocates resist mediation?

1. Advocates are trained to win and not to listen as the legal training focuses on adversarial thinking.
2. Most Advocates believe addressing grievances signals "weakness" or is basically unnecessary.
3. Junior Advocates fear that engaging in mediation might make them seem incompetent or confrontational.
4. Mediation is still seen by some as a soft approach, not suited for the "tough" world of law.

Mediating Internal Law Firm Conflicts

For Law firms willing to embrace mediation, the following principles can guide a productive process:

1. Creating a safe, non-judgmental space to enable the Junior Advocates to speak freely without fear of backlash.
2. A neutral, external Mediator should be engaged to conduct the mediation, ideally, someone familiar with legal practice who can navigate through the emotional turbulence effectively.
3. Both parties are encouraged to focus on interests and not insults, by shifting the conversation from personal attacks to core concerns so as to de-escalate tension.
4. Agreeing on concrete changes by focusing on resolutions that prevent the recurrence of similar conflicts.
5. Documenting the resolution by putting the agreed terms in writing to promote accountability.

Final Thoughts

Mediation is not about picking sides. It is about preserving sanity and relationships within the legal profession. Even in small practices, conflict does not have to escalate. Mediation empowers Advocates to protect their peace, reputation, and working relationships without heading to Court.

Can we all agree that it is time we practiced what we preach as lawyers?



**LEXIS NEXIS
- MARKET
LEADING
LEGAL
RESEARCH
FROM \$100 A
MONTH!**

Specially developed in partnership with the Law Association of Zambia, this exclusive subscription offers the best in class legal research with unrivalled access to over 630,000 cases and law reports from the UK and Commonwealth. Over 14,000 forms and precedents, practical guidance, expert commentary, and legislation. Lexis Nexis not only gives you the cases and legislation you need, but practical guidance on how best to use them! Build better arguments, answer matters faster, win more, and delight your clients from day 1 of your subscription.

For a limited time only, this exclusive offer is available to members for just \$100 USD per month for 12 months for 2 logins. A saving of over 80% vs normal pricing.

SIGN UP NOW by clicking the following link <https://www.lexisnexis.co.uk/research-and-reports/law-association-of-zambia.html> or get in touch with Mark Bisset on +447796220756.



Stanbic Bank

KEEP THE POWER ON.

You can now get solar power and inverters through the Stanbic Asset Finance with our listed accredited suppliers. Pay slow and enjoy flexible payments of up to **36 months** while using the asset.

Call **8888** to find out more.



Approved Suppliers

Agilis Capital Holdings Limited	Saro Agro Industrial Limited	Muhanya Solar Limited	Sunray Power Company Limited
Joshua +260 977 832 903	Nicholas +260 975 143 669	Geoffrey +260 975 998 340	Mateo +260 977 589 751 +260 978 151 715

NEW LEGAL PRACTITIONERS' (AMENDMENT) RULES, 2025

9 KEY CHANGES TO NOTE

By **Luchinde Tembo Chilinda**, Anastasia Kepi and Jacqueline Mutale

Introduction

In a significant development for the legal profession in Zambia, the *Legal Practitioners' Practice (Amendment) Rules, 2025* (Statutory Instrument No. 50 of 2025) (the "Amendment Rules") have come into force, amending the *Legal Practitioners' Practice Rules, 2002* (Statutory Instrument No. Of 2002) (the "2002 Rules"). These amendments reflect an evolving and progressive legal landscape and the need to align practice standards with modern realities, while upholding professional integrity, ethics, and client protection. This article highlights 9 key changes that legal practitioners should be aware of.

1. Dual Representation in Transactions

Under the 2002 Rules, Legal Practitioners could represent both buyer and seller in a transaction only under strict conditions, primarily with written consent and no conflict of interest. The Amended Rule is streamlined to state that a practitioner may act for both parties in any transaction, provided Rule 6 on conflict of interest is not breached. While not a complete overhaul, the amendment simplifies the language and removes the rigid structure from the old provision, indicating a more flexible stance.



2. Engagement of Experts and Fee Sharing

Under the 2002 Rules, there was a strict prohibition on sharing legal fees with non-practitioners. However, Rule 7 sub-rule 4 of the Amendment Rules clarifies that engaging an expert or professional to assist in service delivery does not amount to sharing professional fees with an unqualified person. As such, Practitioners may now engage experts (e.g., valuers, tax consultants) and share fees within regulated boundaries. This dispels previous uncertainty and encourages multi-disciplinary collaboration, without compromising

legal independence.

3. Contingency Fees Legalised

Perhaps the most notable reform is the repeal and replacement of Rule 8 of the 2000 Rules, which now permits practitioners to enter into written contingency fee arrangements in contentious matters, provided there is a reasonable prospect of Success. Clients must be informed of the risks, alternatives, and potential cost consequences. Caps are placed at 25% of the award or 200% of the normal fee, whichever model is preferred. Oversight is granted to the Legal Practitioners'

Committee(LPC), with the right to appeal to the High Court. Clients are also allowed to withdraw from the agreement within 7 days if they so wish.

4. Naming of Law Firms

The 2002 Rules prohibited “misleading” names of law firms. The Amendment Rules now expressly prohibit the use of names of sitting judicial officers, under Rule 10 sub-rule 6. Arguably, this reinforces the separation of the judiciary from private practice, and strengthens public confidence. Further, Rule 10 of the Amendment Rules expressly requires the approval of LAZ of all firm names. This amendment seemingly leaves the approval of a proposed firm name to the discretion of LAZ, thereby broadening the scope of firm names. This is unlike the 2002 Rules which provided that the name should not be misleading, or one that brings the profession into disrepute.

5. Office Sharing with Non-Practitioners

Under the 2002 Rules, lawyers were barred from sharing office space with non-lawyers. Under the Amendment Rules, Office sharing is now allowed (e.g., with consultants), so long as confidentiality and professional standards are upheld. This facilitates collaborative, multi-disciplinary practices, as long as non-practitioners do not offer legal advice. It also supports modern office models and operational cost efficiency.

6. Advertising and Soliciting Legal Work

The 2002 Rules completely banned advertising, touting, and responding to tenders by legal practitioners. Rule 16 of the Amendment Rules now allows legal practitioners to respond to tenders, provided it adheres to ethical standards. This change opens new doors, especially for firms seeking institutional and public sector clients. However, Rule 15 remains firmly in place, where general advertising is still prohibited. Lawyers cannot promote their services

through media, social platforms, or public campaigns unless explicitly permitted by the Law Association of Zambia. The profession remains committed to its values of dignity and non-commercialism.

7. Professional Conduct Toward Judiciary and Colleagues

The 2002 Rules prohibited derogatory remarks being made against judicial officers only. The Amendment Rules have amended Rule 19 subrule 2, by the extension of the prohibition to include fellow practitioners. This means that legal practitioners are not permitted to make derogatory remarks against fellow practitioners. This is a welcome amendment, as it promotes civility, professionalism and decorum within the legal fraternity.

8. Strengthened: Lawyer - Client Confidentiality Obligations

Under the 2002 Rules, confidentiality was broadly required. Rule 35 of the Amendment Rules now prohibits disclosure or use of client information by a lawyer without the client's consent. It also prohibits the use of such client information to benefit another client or practitioner. However, consent of the client is not required for the use of such information by the practitioner's associate or other members of staff who may require the disclosure of the confidential information to allow effective performance of their tasks. Suffice to state, that such other members of staff are required to adhere to the same confidentiality requirements as the legal practitioners. Notably, lawyers should be aware that this rule survives termination of the lawyer – client relationship.]

9. Mandatory Promotion of ADR

The 2002 Rules encouraged, but did not require lawyers to consider *Alternative Dispute Resolution (ADR)*. Under the Amendment Rules, legal practitioners are now obligated to advise clients to consider **ADR** options before litigation. The implication of the amendment is that

it makes it mandatory to explore ADR options. There is a catch however, that this should be done in a situation where the practitioner finds that the matter can be resolved amicably, entailing that where it is clear that amicable settlement is unlikely, the mandatory obligation may not apply.

Significance of the Amendments for Lawyers and Clients

For lawyers, these amendments require greater diligence in client communication, billing transparency, and ethical collaboration. They open new avenues for client engagement, such as contingency-based billing and inter-disciplinary support, but also impose tighter regulations to avoid abuse. For clients, the changes offer clearer protections, particularly in understanding legal fees, confidentiality, and dispute resolution options. Clients are better empowered to make informed decisions, and to hold lawyers accountable through defined oversight mechanisms.

Conclusion

The Legal Practitioners' Practice (Amendment) Rules, 2025 mark a bold and necessary step toward modernising Zambia's legal landscape. From the introduction of contingency fees and clearer publicizing provisions to strengthened confidentiality and the promotion of ADR, the amendments thoughtfully expand the boundaries of legal practice while reinforcing the ethical foundation of the profession.

For practitioners, these changes demand thoughtful integration into daily practice. For clients, they promise more transparency, flexibility, and access to justice. Ultimately, the 2025 Rules lay the groundwork for a more responsive, competitive, and ethically sound legal system which is deeply anchored in professionalism, integrity, and accountability.

FIBRE

Home Internet Connectivity
Get connected using fibre optic internet

5MBPS

K749

10MBPS

K1,499

15MBPS

K2,229

20MBPS

K2,999

Call+260 950 003 348

for more information.

Terms and Conditions Apply



Home, where you belong

Zantel

THE CLOSED DOOR TO SILK IN ZAMBIA: HAS THE LAW ASSOCIATION OF ZAMBIA MADE IT IMPOSSIBLE TO BE CONFERRED WITH THE DIGNITY AND RANK OF STATE COUNSEL?

By Chanda Chungu – Lecturer, UNZA

In England, the rank of Kings Counsel (KC), formerly Queen's Counsel (QC), is awarded to advocates and attorneys (referred to as barristers and solicitors in England) who have demonstrated particular skill and expertise in the conduct of advocacy. It has been awarded in various forms, including the rank of KC *honoris causa* (meaning "for the sake of honour" or simply "as an honour") as opposed to the award of KC status as a substantive, professional rank. Honours are awarded to deserving and high-achieving people from every section of the community, for merit, service and bravery.

The practice of recognising esteemed practising lawyers exists in other countries as well, such as Nigeria and South Africa, to mention but a few. In the case of *Urmilla Roshnee Devie Mansingh v. General Council of the Bar* (2013) ZACC 40, Ms. Mansingh, a practising lawyer in South Africa challenged the authority of the President of South Africa to confer the status of "senior counsel" or "silk" on advocates, which is equivalent to KC. The Constitutional Court was adamant that the power of conferring honours was sufficiently broad to include the power conferring senior counsel status and stated that:-



"what lies at the heart of the conferral of silk is the recognition by the President as the Head of State, of the esteem in which the recipients of silk are held in their profession by reason of their integrity and of their experience and excellence in advocacy."

The Court dismissed the application and held that the appointment of senior counsel is part of the heritage of former British colonies. Previously, the honour of silk was indicative of someone who was

obliged to give legal advice to the Monarch, but developed into a bestowal of rank on a person rather than an engagement of services, for outstanding service and contribution to the legal profession.

As a former British colony, Zambia too recognises the appointment of senior counsel, and terms such legal practitioners as State Counsel. Section 3 of the Legal Practitioners' Act defines a State Counsel for Zambia as:

- (a) *a person who attained the rank of Queen's Counsel for the former Protectorate of Northern Rhodesia; and*
- (b) *a person admitted to the Inner Bank of Zambia*

The above provision must be read together with section 19 of the Act, which states that a legal practitioner must qualify to be a puisne judge of the High Court. According to Article 141(1) of the Constitution:

- (1) *A person qualifies for appointment as a judge if that person is of proven integrity and has been a legal practitioner, in the case of the—*
 - (a) ...
 - (b) ...
 - (c) ...
 - (d) *High Court, for at least ten years.*

Therefore, based on the above, for a person to qualify to be appointed as State Counsel for Zambia, the person should have a proven record of integrity and be a legal practitioner in this jurisdiction for at least ten years. The above standards for the appointment of State Counsel set out in the Legal Practitioners Act, albeit high, does not guarantee that a legal practitioner will be appointed to the dignity and rank of State Counsel. Certain key criteria will have to be considered and met.

The criteria for the appointment of KC in the United Kingdom and Australia, which were espoused in the case of *Lenoir v. Richie* (1879) *Carswell NS 7* are as follows:--

- (a) Knowledge of the law – the applicant must be an expert of the law

- (b) Contribution to the development of jurisprudence and excellence in the knowledge of the law: this is the overarching requirement. The standard for appointment is high and in most cases requires considerable length and depth of experience.
- (c) Leadership in setting and maintaining the standards of the profession.
- (d) Commitment to improving access to justice: a history of making a personal contribution to advancing better access to justice for those who need it, for example by undertaking criminal/civil legal aid work, supporting community-based law centres, or through honorary positions or pro bono work.
- (e) Oral and/or written advocacy: superior skill in oral and/or written persuasive argument, including presentation and testing of litigants' cases.
- (f) Independence and Integrity: the ability to devote him or herself to the client's interests, free of other influences. Integrity and honesty in all dealings with clients, the judiciary and fellow practitioners.

The Criteria for State Counsel in Zambia

The Law Association of Zambia ("LAZ") has since adopted the following criteria for the conferment of State Counsel:

1. *Minimum of fifteen years post call experience and must be persons recognised as leading Counsel.*
2. *Excellence in advocacy both oral and or written before the superior Courts of Zambia. This experience should be clearly seen from:- Significant*

cases handled, cases that have set precedent or cases that have been described by the presiding Judge as significant or complex.

3. *Further, to be conferred at State Counsel, one must show evidence of at least five of such cases over a five (5) year period.*
4. *Leadership.*
5. *Visibility.*
6. *Integrity.*
7. *Clean disciplinary record.*

For the most part, the above criteria is in line with the international standard for the appointment of silk in other nations. However, the requirements for the appointment of State Counsel can be critiqued on the following grounds: -

- a. Firstly, LAZ has raised the number of years for conferment from ten (10) years to fifteen (15) years post-qualification experience. The appointment of Attorney-General, Director of Public Prosecutions and Solicitor-General in terms of the Constitution, only require ten (10) years' experience. This means that it is easier to be appointed State Counsel through a constitutional office, than through the adopted criteria of the Law Association of Zambia.
- b. Secondly, LAZ has limited the application to the conferment of State Counsel to a five -year period where a candidate must demonstrate that he has handled a minimum of five (5) cases that have set precedent. This appears to be quite unrealistic given the backlog in the Zambian courts that may affect or diminish the ability of

a candidate to demonstrate 5 cases in a 5-year period of the standard expected. In addition, legal practitioners who have had long and distinguished careers should not be precluded from providing cases outside the 5 year window that were seminal and contributed to Zambia's jurisprudence.

- c. Further to the above, LAZ requires that the presiding Judge must describe a case as significant or complex. In several cases apart from Constitutional matters and a handful of decisions by the Supreme Court and Court of Appeal, judges seldom describe cases as seminal. An analysis of recent decisions, even reported decisions shows that the court rarely, if ever, describe a matter as significant or complex. Crucially, there is no concurrent requirement for judges to make these declarations in their judgments and therefore, this requirement is arbitrary. One can plausibly argue that the changes and arduous criteria are intended to act to prevent the conferment of the rank, instead of being a barometer of excellence. As such, this requirement could thus constrain the ability of a candidate to be conferred with the status of State Counsel.
- d. There are different kinds of legal practitioners. The criteria for State Counsel in Zambia is restricted to those who argue matters before the court. The rank of silk entails more than advocacy and should evolve beyond the court room to recognise advocates who have contributed in other ways. This includes distinguished in-house and commercial lawyers, and academics who have contributed

to the growth of jurisprudence and the profession. Countries such as England, Nigeria and South Africa have conferred the dignity of silk on academics such as Ewan McKendrick KC, Ben Nwabueze, KC and David Unterhalter SC to mention but a few.

- e. As it relates to advocacy, the "limited to the court room" idea is now outdated, given that when one considers calls for law reform and the development of the body of jurisprudence now, other modes such as Petitions to the National Assembly and academic work are used. It should also be noted that there has been a trend by the Court of Appeal and High Court, due to heavy case load to limit the time counsel has to give oral arguments. This should have a bearing.
- f. The nature, scope and extent of the requirement to be visible is questionable. A perusal of the criteria from other nations does not stipulate such a requirement. Further, there is no explanation as to how being visible contributes to the profession to prescribe it as a stand-alone criteria. Safe to say, there are some outstanding legal practitioners who keep to themselves and are out of the limelight, who would lose out on being conferred as State Counsel purely because they are low-key. This would be untenable.
- g. Lastly, elements such as mentorship and community service are glaring omissions from the LAZ adopted criteria. As the Constitutional Court of South Africa noted in the Mansingh case, the rank of silk

has evolved. We must equally evolve to recognise other aspects of contribution to the profession. LAZ should look to incorporate the element of Ccommitment to improving access to justice as one of the factors for conferment as State Council.

It appears that the current criteria seems to close the door to the noble achievement of State Counsel. It appears easier to seek conferment by way of appointment to a constitutional office than through dedicated service to the legal profession. It is hoped that this article will be considered by the Attorney-General and LAZ to recognise leading practitioners as State Counsel in a much fairer manner.

Conclusion

The conferment of State Counsel is a prestigious honour that has an important role in the legal profession. This article has provided an overview of the criteria from other jurisdictions and those adopted in Zambia. It is important to note that the appointment should evolve and encompass recognition of the legal practitioners who have contributed in multiple ways to the country's jurisprudence and the profession. The analysis in this article demonstrates that a roadblock has been created to close the door to legal practitioners to attain State Counsel. It is submitted that there has not been a misuse or abuse of the conferment, nor have any State Counsel(as far as I know), fallen into disrepute so as to require tightening of the reigns in this manner. It is hard to see the intent behind this as being anything but a closing of the rings.

NOMINATIONS AND APPOINTMENTS OF WOMEN, YOUTH, AND PERSONS WITH DISABILITIES TO PUBLIC OFFICES – IS ARTICLE 259 OF THE CONSTITUTION ADEQUATE?

By **Daniel S. Libati**, Esq. LLB, LLM (UNZA), AHCZ



1.0 Background

The debate on whether or not the country should entertain amendments to the Constitution continues to rage on. Those opposed to such amendments have argued that there is no need for amendments especially where inclusion of women, youth and persons with disabilities in public offices is concerned. They submit that the Constitution already has adequate provisions to cater for this concern.

2.0 The provision

Article 259(1)(c) of the Constitution of Zambia, as amended by Act No. 2 of 2016 provides as follows:

(1) Where a person is empowered to make a nomination or an appointment to a public office, that person shall ensure—

(c) equitable representation of the youth and persons with disabilities, where these qualify for nomination or appointment.

3.0 What has been said?

Speaking during National Youth Day commemoration in Mongu, Western Province, Republican President Mr.

9 Precious Daka. Youths have agreed that we amend the Constitution – HH. Newsdiggers Edition of Thursday the 13th of March 2025 at page 5
 10 Philip Chisalu. We need to close the gap in leadership - Veep. Newsdiggers Edition of Monday the 10th of March 2025 at page 4

Hakainde Hichilema was quoted having said:

We need more women and youths in Parliament, even those that live with disabilities. To do that, we need to amend the Constitution.⁹

Vice President, Mrs. Mutale W. K. Nalumango, was quoted during this year's Women's Day celebrations as having added her voice to the debate when she said:

We must strive to dismantle systemic barriers and transform social norms that perpetuate inequality. ... By ensuring inclusive access to education, leadership roles and decision-making spaces, we can create a future where young women take their place as leaders, innovators and change makers. The call to action is clear. ... The time for action is now.¹⁰

Reading what has been said by the Republican President and Vice President, one would get an impression that, as a country, we do not have constitutional provisions allowing for meaningful involvement of women, youths and persons with disabilities in public offices, more so those of an elective nature. However, a reading of Article 259(1)(c) of the Constitution would prove otherwise. To this end, it is not surprising that when the Law Association of Zambia (LAZ) added its voice to this on-going debate, it was quoted as having stated as follows:

LAZ has carefully studied Government Position paper on the

This is a progressive proposal considering the low participation of women, youths and persons with disabilities in the National Assembly.

proposed Constitutional reforms as presented by the Honorable Minister of Justice, Honorable Princess Kasune, MP in her Parliamentary address on 26th March 2025. ... This is a progressive proposal considering the low participation of women, youths and persons with disabilities in the National Assembly and in key Governance Institutions in the country. However, there are existing Constitutional provisions to address this challenge. ... Additionally, Government should take advantage of the provisions of Article 259 of the Constitution, which calls upon appointing authorities to appoint women, youth and persons

with disabilities into key Governance institutions.¹¹

4.0 What is the position of the Courts?

The Constitutional Court provided judicial interpretation of the provisions of Article 259(1)(c) in the case of Chapter One Foundation Limited and 2 Others v The Attorney General 2020/CCZ/0013. In that case Chapter One Foundation, the Non-Governmental Organizations Co-ordinating Committee for Gender and Development Registered Trustees, and Harriet Chibuta (suing in her capacity as Executive Director of Young Women in Action) requested, among other pro-visions, for the interpretation of Article 259(1)(c) of the Constitution. Specifically, the petitioners inquired whether the President of the Republic of Zambia in appointing Cabinet Ministers, Provincial Ministers and in nominating Members of Parliament during the 2016 general elections contravened Articles 259(1)(c) of the Constitution on the ground that he did not consider gender parity, equitable representation of youth and persons with disabilities as alleged by the Petitioners.¹²

In a majority judgment delivered by Justices H. Chibomba, A. M. Sitali, M. S. Mulenga and P. Mulonda, with Justice Prof. M. M. Munalula dissenting, held as follows:

Article 259 is couched in mandatory terms and it requires the appointing authority in making nominations or appointments to ensure that fifty percent of each gender is nominated

11 Lungisani Zulu. The Law Association of Zambia detailed response to the outline of the prom-inent key issues requiring constitutional amendment and proposed Road Map. Statement de-livered by the LAZ President to the Media on the 28th of March 2025 at page 3

12 Chumpuka, Florence and Wadham, Mbaka (2022) "Chapter One Foundation Limited and 2 Others v The Attorney General 2020/CCZ/0013 [2021]," SAIPAR Case Review: Vol. 5: Iss. 2, Article 4.

or appointed from the total available positions unless it is not practicable to do so and that there is equitable representation of the youth and persons with disabilities, where these qualify for nomination or appointment.

The constitutional imperatives enshrined in Article 259(1) are not absolute as the Constitution in that same Article provides for exceptions under Article 259(1)(b) and (c).

The Petitioners' evidence on record has not met the threshold for ousting the exceptions contained in the provisos to Article 259(1)(b) and (c). All in all, this petition has failed and the same is dismissed.¹³

5.0 Conclusion

It is not difficult to agree with LAZ when it states that indeed efforts to address the low participation of women, youths and persons with disabilities in the National Assembly and in key governance institutions in the country are progressive. It is even easier to agree with LAZ when it states that there are existing Constitutional provisions to address this challenge. Article 259 being one such provision.

However, the challenge comes when one takes note of the interpretation given to that provision by the Constitutional Court in the case of Chapter One Foundation Limited and 2 Others v The Attorney General 2020/CCZ/0013. A reading of that Judgment reveals the inadequacy of Article 259(1)(c), especially when one takes into account the reality



on the ground. So much so that the issue is really not about whether or not we should have amendments to the constitution. Far from it. The issues are much deeper than that. To that end, by way of conclusion, one would have to agree with the Non-governmental Gender Organisations' Coordinating Council when it recommend that:

A Mixed Member Proportional Representation System, that would increase the number of women, men, youth and persons with disability in political office;

A referendum for the inclusion of

an expanded Bill of Rights in the Republican Constitution that would create justiciable space to litigate for equal participation and hence provide for stronger legal provisions in this regard;

Enactment of a Political Parties law that would compel political parties to nominate candidate lists for elections. This will need to be supported by reforms of the Electoral Commissions Act to empower the Electoral Commission to reject party nominations that do not depict free and fair representation as would be prescribed by law.¹⁴

¹³ Judgment of the Constitutional Court in the case of Chapter One Foundation Limited and 2 Others v The Attorney General 2020/CCZ/0013 at pages J45 and J46

¹⁴ Beauty Katebe. NGOCC welcomes proposed constitutional amendments but calls for national consensus and a clear roadmap. Statement delivered by the NGOCC Board Chairperson to the Media on the 24th of March 2025

LAZ ACTIVITIES LATELY...

PRESS STATEMENTS

By Gloria Mumba – Kalambo, LAZ Communications Officer

LAZ CALLS FOR INCLUSIVE AND GENUINE STAKEHOLDER ENGAGEMENT IN CONSTITUTIONAL REFORM PROCESS



The Law Association of Zambia (LAZ) expressed concern over the proposed Constitutional Reforms driven by the Executive, emphasizing that any meaningful reform must be grounded not only in substance, but also in an inclusive and transparent process. In a statement dated 14th March 2025, the LAZ Council highlighted the Association's longstanding interest in constitutional matters and reaffirmed its commitment to ensuring that any amendments to the supreme law of the land are credible, participatory and representative of the Zambian people's aspirations. It read in part *"There can be no credible Constitutional Reform without genuine broad-based stakeholder engagement and consensus not only on the substance but also the process of such reform."*

LAZ also expressed concern about the timing of the process, warning against initiating constitutional reforms too close to the electoral cycle, as it could undermine public trust and politicize the process. *"LAZ also remains wary of the dangers of timing constitutional making process close to the electoral cycle,"* the statement read.

The statement concluded by urging the Government to develop a clear road map for the reforms, with extensive stakeholder consultation, and to refrain from a piecemeal approach that might omit critical rights and governance concerns.

LAZ GOVERNANCE FORUM EXPLORES CONSTITUTIONAL REFORMS AND POLITICAL PARTY REGULATION

On 19th March 2025, the Law Association of Zambia (LAZ) hosted its bi-monthly Governance Forum under the theme *“Constitutional Reforms and Political Parties Regulation in Zambia: Systems, Practices, and Challenges for Democratic Governance.”*

The forum brought together key stakeholders and thought leaders to deliberate on the current state of constitutional reform and the regulatory framework for political parties in Zambia. The distinguished panel included the LAZ President Mr. Lungisani Zulu, Acting Chief Registrar of the Registrar of Societies Mr. Jason Mwambazi, renowned political analyst Professor. Bizeck J. Phiri, and Acting Executive Director of the Southern African Centre for the Constructive Resolution of Disputes (SACCORD), Mr. Arthur Muyunda. The interactive discussion provided valuable insights into the systemic and practical challenges facing Zambia’s democratic governance, with a particular focus on the intersection between legal reform and political accountability.



On 28th March 2025, the Law Association of Zambia (LAZ) held a media briefing, strongly objecting the government's proposed roadmap for amending the Republican Constitution. It described the process as rushed, exclusionary, and lacking transparency. During the media briefing, LAZ President, Mr. Lungisani Zulu stated that the Association had not been consulted in the formulation of the proposed amendments, despite its critical role in legal and constitutional matters. *"We find it deeply concerning that an initiative of such national significance could proceed without meaningful engagement with LAZ and other critical stakeholders,"* Mr. Zulu said. He also questioned the vague criteria for selecting stakeholders in the consultation process, warning that the approach risks undermining public trust.

LAZ OPPOSES PROPOSED CONSTITUTIONAL AMENDMENT ROADMAP AND DEMANDS BROADER CONSULTATION

It described the process as rushed, exclusionary, and lacking transparency.



LAZ CONDEMNS RISE IN DEFILEMENT AND RAPE CASES, CALLS FOR STRONGER LEGAL ACTION

On 3rd April 2025, the Law Association of Zambia (LAZ) issued a strong condemnation of the increasing cases of defilement and rape across the country, describing them as grave violations of human rights and dignity. The Association expressed concern over the long-lasting trauma inflicted on victims, especially women and children, and called for urgent and decisive action. The statement read in part that *"...these acts are not only criminal but also represent a grave violation of human rights and dignity against the most vulnerable among us. They erode the moral fabric of our society."*

LAZ aligned itself with the Non-governmental Gender

Organisations Coordinating Council (NGOCC) and other stakeholders in denouncing these crimes. The Association also urged law enforcement agencies to intensify efforts in investigating and prosecuting offenders, stressing that "the laws governing sexual offenses must be strictly enforced, with no room for leniency or impunity." LAZ reaffirmed its commitment to supporting victims through its flagship Legal Aid Institution - the National Legal Aid Clinic for Women (NLACW), which provides legal advice, guidance on court procedures, and assistance in obtaining protection orders.

LAZ TO CHALLENGE NEW CYBER LAWS IN COURT OVER THREATS TO CONSTITUTIONAL FREEDOMS

On 21st April 2025, the Law Association of Zambia (LAZ) issued a firm stance against the newly enacted **Cyber Security Act No. 3 of 2025** and **Cyber Crimes Act No. 4 of 2025**, stating that the said laws infringe on fundamental rights and freedoms guaranteed by the Constitution, particularly the rights to privacy, freedom of expression, and a free press.

LAZ warned that several provisions in the new legislation:

- **Criminalize the possession and disclosure of data** deemed "critical" without State authorization (Sections 5 & 6).
- **Restrict journalistic freedom** through vague definitions that could punish reporters for "misleading headlines" or publishing sensitive information (Section 19).
- **Suppress dissenting voices** by labelling some speech as cyber terrorism, with penalties of life imprisonment (Section 24).
- **Undermine press freedom** by failing to exempt media from restrictions on disseminating information related to public interest areas such as health, safety, and national security.

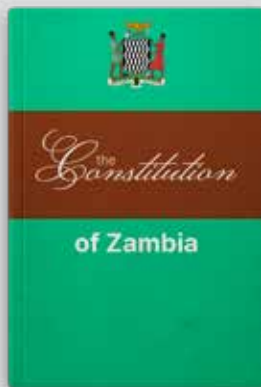
LAZ emphasised that cybersecurity laws must balance national security with constitutional liberties.

- **Place the Zambia Cyber Security Agency under the Office of the President**, raising concerns of political misuse.

LAZ emphasised that cybersecurity laws must balance national security with constitutional liberties. In view of these threats to democracy and governance, the Association has resolved to petition the High Court to review the constitutionality of these provisions.



LAZ DEMANDS WITHDRAWAL OF CONSTITUTION AMENDMENT BILL NO. 7 OF 2025



In a press release dated 3rd June 2025, LAZ called on the Government to withdraw the Constitution Amendment Bill No. 7 of 2025 (the "Bill"), citing the lack of public participation and transparency in its formulation. LAZ expressed concern that the Bill was introduced without involving key stakeholders or the public. The Association warned that some provisions of the Bill could undermine democratic principles, and of particular concern is a proposal to allow political parties to fill vacant parliamentary seats without by-elections, a move LAZ describes as "dangerous," and one that "deprives citizens of the right to choose leaders of their choice." LAZ also questioned the secrecy surrounding the Electoral Reform Technical Committee Report and criticised the proposal to expand Parliament, while more pressing development issues remain unresolved.



LAZ URGES RESPECT FOR STATE PROTOCOL IN HONOURING FORMER PRESIDENT LUNGU

In a press statement dated 14th June 2025, LAZ emphasized that the late President Lungu's funeral was of great national significance and therefore, there was need to grant him the highest honors through a formal state funeral. It read in part as follows:

"Having held the office of President, Dr. Edgar Chagwa Lungu ceased to be an ordinary or private citizen and a state funeral is the least we owe him as a society... The family remains a critical stakeholder... but the State has a crucial role to play and the citizens at large have a legitimate interest to be given a chance to mourn and celebrate a departed former President."

While acknowledging the important role of the family, LAZ called on the Lungu family to allow state protocols to take full course. LAZ also urged the Government to develop legislation to guide future state funerals and ensure clarity in balancing public interest with private wishes.

In a press release dated 26th June 2025, the Law Association of Zambia (LAZ) commended President Hakainde Hichilema for his leadership in guiding the Minister of Justice, Hon. Princess Kasune, to defer Bill No. 7 of 2025. The decision, made in consultation with Parliament, was aimed at allowing for broader national engagement on the proposed constitutional reforms.

LAZ welcomed the development as a step in the right direction, describing it as “a positive development” that creates space for more inclusive and meaningful discourse on amendments to the country’s supreme law. “The step taken by the President demonstrates commendable willingness by the Government to undertake a broad-based and consensus-driven process of amending the Constitution,” the statement read in part.

Reaffirming its position, LAZ emphasized that “a credible

LAZ APPLAUDS PRESIDENTIAL GUIDANCE ON DEFERRAL OF BILL NO. 7 OF 2025



constitutional reform process should be based on genuine, broad-based stakeholder consensus on the substance and process.”

In the same vein, LAZ, in partnership with Chapter One Foundation, on the 27th of June 2025 hosted a public forum titled “*Examining Key Elements of the Proposed Constitutional Amendments.*” The event brought together prominent legal minds, academics, and civil society actors to exchange views and foster deeper public understanding of the constitutional reform agenda.

LAZ COUNCIL ENGAGES LEGAL AID BOARD ON PRO BONO FRAMEWORK

March 7th, 2025 - the Council, led by President Mr. Lungisani Zulu, alongside Mr. Arnold Kaluba – Honorary Secretary and Ms. Martha Kashala-Tembo – Council Member, held a meeting with the Legal Aid Board, chaired by Mr. Moono Chikuta, to discuss the enhancement of the LAZ Pro Bono Framework.

The Legal Aid Board (LAB) delegation included Mr. Moono Chikuta – Board Chairperson, Dr. Kafwila Chiumbu – Vice Board Chairperson, Mrs. Ellen S. Moyo – Board Member, Mr. Julius Mwanza – Board Member, Ms. Muchana Nabita – Board Member, Ms. Nchimunya Nkombo – Board Member, Mrs. Banji M. Ngandu – Board Member, Mr. Vanny Hampondela – Board Member, Mr. Daniel Libati – Board Member, Mr. Humphrey Mweemba –LAB Director/CEO, and Mr. Cloud Kapesha – Manager, Corporate Services.

The LAZ Secretariat was represented by Mr. Edward Sakala – Executive Director, and Ms. Sekanayo Chihana – Head of Legal and Research.

LAZ ENGAGES ECES ON POTENTIAL COLLABORATION IN ELECTORAL SUPPORT



On 6th March 2025, the Law Association of Zambia met with the European Centre for Electoral Support (ECES) to discuss potential collaboration opportunities. The meeting was attended by Mr. Filiberto Sebregondi, Vice President of the ECES Strategic and Advisory Committee, Ms. Rindai Vava, ECES expert and Executive Director of the Electoral Support Network for Southern Africa. Representing LAZ were Vice President Ms. Matilda Chileshe Kaoma, Honorary Secretary Mr. Arnold Kaluba, Honorary Treasurer, Ms. Womba Silumbu-Kankondo, Executive Director Mr. Edward Sakala, and Head Legal and Research Ms. Sekanayo Chihana.

LAZ HOSTS INTERNATIONAL BAR ASSOCIATION (IBA) DELEGATION FOR SERIES OF HIGH-LEVEL ENGAGEMENTS



In March of 2025, the LAZ Council hosted a delegation from the International Bar Association (IBA) for a series of meaningful engagements on the role of the legal profession in governance and development. The visit commenced on 7th April, with the LAZ Council and the IBA delegation paying a courtesy call on the Attorney General at his Chambers. The meeting was an exchange of views on the evolving role of the legal profession in both national and international contexts.

On 8th April, LAZ and the IBA co-hosted a Public Lecture under the theme *"The Expanding Role of Law in Governance & Development Across the World."* The session brought together legal practitioners, scholars, and law students, who had thought-provoking discussions on how legal

frameworks continue to shape global development and good governance practices.

Later that same day, ahead of their scheduled departure for Livingstone, the IBA delegation, accompanied by the LAZ Council, paid a courtesy call on the Acting Chief Justice, Hon. Justice Michael Musonda, S.C. at his chambers. The engagement emphasised the judiciary's pivotal role in upholding the rule of law.

To conclude the day's activities, LAZ members and the IBA delegation gathered at The Writ for a relaxed and engaging "meet and greet" event, providing an opportunity for informal networking.

UNZA CROWNED CHAMPIONS OF THE 2025 LAZ ANNUAL MOOT COURT COMPETITION

The 2025 edition of the Law Association of Zambia (LAZ) Annual Moot Court Competition concluded in grand style, marking the end of weeks of intense legal argumentation, research, and advocacy by some of Zambia's most promising law students. Held under the stewardship of the LAZ Junior Lawyers Committee (JLC), this year's competition attracted participation from universities across the country. On 21st March 2025, LAZ hosted a formal certificate award ceremony to honour all student participants. The ceremony was officiated by LAZ President Mr. Lungisani Zulu, who was joined by Honorary Secretary Mr. Arnold Kaluba, Honorary Treasurer Ms. Womba S. Kankondo, Head Legal and Research Ms. Sekanayo Chihana, and JLC Co-Convener Mr. Francis W. Daka.

This year's competition featured outstanding performances from the University of Zambia (UNZA), Eden University, Cavendish University, and Zambia Open University, who emerged as the top four teams. Cavendish University and Zambia Open University battled for third and fourth place, with final placements announced at the gala dinner held in Livingstone.

The grand finale, a riveting contest between UNZA and Eden University



was presided over by Hon. Mr. Justice Kelvin Muzenga (Court of Appeal Judge), Hon. Lady Justice Catherine Lombe (High Court Judge), and Hon. Lady Justice Judge Mbile Wina (High Court Judge), who brought immense judicial insight and gravitas to the proceedings. Following a closely contested session, Team UNZA was crowned the 2025 LAZ Annual Moot Court Champion, while Eden University earned a well-deserved second place.

LAZ extends special recognition to Copperbelt University, Mulungushi University, Northrise University, Lusaka Goldsmith University, ZCAS, NIPA, and Rockview University for their valuable participation

and unwavering commitment to excellence throughout the competition. In addition, LAZ sends its heartfelt appreciation to the law firm sponsors whose support made this year's competition possible. Their generous contributions provided essential resources, mentorship, and a platform for young aspiring lawyers to shine.

We celebrate all students who embraced the challenge and reaffirmed their passion for justice and the rule of law. The Moot Court Competition continues to be a vital part of LAZ's commitment to legal education and professional development, shaping the next generation of legal practitioners.

LAZ PARTICIPATES IN WORLD INTELLECTUAL PROPERTY DAY WITH MONTH-LONG ENGAGEMENTS

Throughout April, LAZ) through its Dispute Resolution Committee, and Intellectual Property Subcommittee, actively supported a month-long commemoration of World Intellectual Property Day 2025, under the global theme “*Feel the Beat: IP and Music.*” Led by PACRA. This year’s activities showcased the value of multi-stakeholder collaboration in promoting stronger awareness and protection of intellectual property rights in Zambia’s creative sector. The commemorations began with a well-attended webinar hosted on 15th April 2025 at the LAZ House. Representing LAZ, Mrs. Mulubwa Mpundu Chola hosted the session alongside Counsel Ruth Simujayangombe from ZARRSO, guiding an engaging discussion under the topic “*The Evolution of Intellectual Property in Zambia: Legal Rights, Royalties and the Artists’ Experience in the Digital Era.*” The webinar featured insightful contributions from the Chief Registrar of PACRA, Mr. Benson Mpalo, and ZAMCOPS General Manager, Mr. Mirrias Siamutondo, who shared practical perspectives on protecting IP rights and ensuring fair benefits for artists operating in the digital space.

The month’s highlight was the vibrant in-person forum held on 29th April 2025 at the Radisson Blu Hotel in Lusaka, organised by PACRA in collaboration with ZAMCOPS, ZARRSO, the National Arts Council (NAC), various government ministries, and law enforcement agencies. The



event drew musicians, rights holders, policymakers, and industry leaders for rich discussions on growing Zambia’s creative economy. It was graced by the Permanent Secretary for Youth, Sport and Arts, Mr. Fumba Chama and the Honourable Minister of Technology and Science, Mr. Felix Mutati, who underscored the critical link between strong intellectual property frameworks and cybersecurity in safeguarding digital creative content. Representing LAZ, Vice President Ms. Matilda Kaoma Chileshe delivered an inspiring speech reaffirming the Association’s commitment to supporting intellectual property rights as a catalyst for economic growth

and artistic empowerment. LAZ’s very own Mrs. Mulubwa Mpundu Chola co-hosted the forum and expertly moderated a thought-provoking panel on IP monetisation, highlighting the vital role of lawyers in this space — from providing pro bono legal services to educating artists on contracts, rights management, and compliance.

Through this strong collaboration, LAZ proudly demonstrated the legal profession’s commitment to protecting creativity, uplifting local talent, and nurturing a culture that recognises intellectual property as a driver of innovation, security, and sustainable livelihood.

LAZ DONATES TO LINDA COMMUNITY SCHOOL IN SUPPORT OF VULNERABLE CHILDREN

On Friday, 25th April 2025, the LAZ Council donated assorted food items and essential supplies to Linda Community School in Livingstone. The donation was made on the sidelines of the Lawyers Conference and Annual General Meeting (AGM) as part of LAZ's longstanding commitment to supporting vulnerable children and orphans in the Linda community and surrounding areas. This annual gesture underscores the Association's commitment to promoting the well-being and dignity of children through meaningful outreach. LAZ extends a call to its members to join this noble cause by contributing in any way possible towards improving the lives of children at Linda Community School. Whether through financial donations, school supplies, or other forms of support, every contribution can make a lasting impact in creating a better and more hopeful future for these children.



LAZ extends a call to its members to join this noble cause by contributing in any way possible towards improving the lives of children at Linda Community School.



31 NEW ADVOCATES ADMITTED TO THE BAR



On Tuesday, 24th June 2025, a total of 31 new advocates were admitted to the Bar, having successfully cleared the Legal Practitioners' Qualifying Examinations (LPQE) at the Zambia Institute of Advanced Legal Education (ZIALE). Speaking during the Call Day ceremony, LAZ President, Mr. Lungisani Zulu encouraged the new advocates to remain committed to continuous learning and professional development. He cautioned them against complacency and urged them to sharpen their skills in their respective areas of legal interest.

In honour of the milestone, a Sherry Party was held later that evening at the WRIT, officiated by LAZ Vice President Ms. Matilda Chileshe Kaoma. LAZ warmly welcomes the new members to the legal profession and wishes them a rewarding journey in advancing justice and upholding the rule of law.

**LAZ President,
Mr. Lungisani
Zulu**
encouraged the
new advocates
to remain
committed to
continuous
learning and
professional
development.



HIGH COURT MOBILE COURT SESSION



On 25th June 2025, Mwembeshi Correctional Facility hosted the inaugural High Court Mobile Court Sessions, marking a historic milestone in Zambia's justice delivery system. The sessions followed the launch of the Mobile Court Pilot Project in February 2025, a collaborative initiative between the Judiciary, Irish Rule of Law International, National Prosecution Authority, Zambia Correctional Service, and Legal Aid Board. The project aims to enhance access to justice by addressing logistical challenges, expediting case resolutions, and ensuring a more humane approach to court proceedings for inmates.

Presiding over the maiden sessions was Hon. Mr. Justice Charles Zulu,

This development is a significant step forward in achieving the objectives of the LAZ Prison Decongestion Programme.

Judge-in-Charge of the Lusaka High Court General Division. The mobile court focused on identifying and addressing suitable cases, particularly those that had been neglected, ensuring that the rights of inmates are upheld and their cases not forgotten.

This development is a significant step forward in achieving the objectives of the LAZ Prison Decongestion Programme. LAZ is proud to note that several members of its Prison Decongestion Committee were present, reflecting the Association's continued commitment to supporting progressive and inclusive justice sector reforms.

OUR VERY OWN HONORARY TREASURER



Our very own Honorary Treasurer, Mrs. Womba Silumbu-Kankondo, has been elected Vice President for the Southern African Region of the Pan African Lawyers Union (PALU) for the 2025–2028 term! She was elected during PALU's 15th General Assembly held in Abidjan, Côte d'Ivoire. PALU is the premier body of lawyers and law societies in Africa, advancing the rule of law, human rights, good governance, and legal harmonisation across the continent.

PALU is the premier body of lawyers and law societies in Africa, advancing the rule of law, human rights, good governance, and legal harmonisation across the continent.

MEET THE JLC EXCO



Meet **Daka Francis William** the Co-Convenor of the Junior Lawyers Committee for the period 2024 to 2026 and chairperson for the Career guidance and Mentorship Sub Committee.

Francis is a legal practitioner with 5 years post bar experience practicing under the name and style of Makebi Zulu Advocates. Mr. Daka is specialized and or has an interest in Human Rights, Humanitarian Law, Constitutional Law and Criminal Law. He holds both a Master of Laws in Legal Studies from the Atlantic International University (USA) and another Masters in Human Rights from University of Lusaka. He is also a seasoned lecturer with more than 10 years' experience in the lecturing industry from universities like NIPA, Zcas University, Eden University, Zambian Open University, UNZA and Cavendish University. In 2024, Francis was awarded the 2024 Dalferes Laureate award to go to Washington D.C as a Jessup International Moot Court Competition Judge with his vast experience in organizing and Judging Moot Court Competitions.



Meet **Lubinda Chingumbe III**, the Co-Convenor of the Junior Lawyers Committee for the period 2024 to 2026.

Lubinda is an advocate of two (2) years of good standing at the Bar and practices under the name and style of Messrs EMK & Associates.

Lubinda is a result-driven and detail-oriented Advocate of the Superior Courts of Zambia and a member of the Law Association of Zambia (LAZ). His commitment to excellence has gained him experience in corporate advisory, compliance, dispute resolution, criminal defense, conveyancing, legal drafting, research, and policy analysis. Proven ability to manage complex legal matters, a sharp legal mind, and advises diverse clients.

He is known for his analytical thinking, sound judgment, and effective problem-solving skills, complemented by excellent communication and negotiation abilities.



Meet **Sarah Kabwe**, LLB (Hons) (UWTSD), the Co-Secretary for the Junior Lawyer's Committee for the period 2024 to 2026.

Sarah is a versatile advocate of four (4) years good standing before the High Court for Zambia with extensive transactional experience representing private entities in all aspects of corporate governance including structuring and restructuring; mergers and acquisitions; joint ventures and litigation. She specializes in: Commercial Law; Company Law; Family Law; Land Law; and Legal Drafting.

She is also passionate about the Criminal Justice System; Human Rights; Public Interest Issues; Children's Rights; Biodiversity; and Sustainable Development. She firmly believes it is the duty of every advocate to contribute to law reform & development and accordingly takes advantage of every opportunity to learn and actively participate in advocacy for reform and development.

Sarah is also an active member of other committees with a bias on Law reform, Human Rights, Criminal Justice and Issues of Public Interest.



Meet **Mithi Jairos Rodwell Khumbo**, the Co-Secretary of the Junior Lawyers Committee for the period 2024 to 2026.

Jairos is an advocate of the High Court of Zambia with more than One (1) year of good standing at the Bar and practices under the Legal Aid Board. He is a detail-oriented lawyer and educator with 8 years of teaching experience in the public sector. He brings expertise in law and education to deliver efficient and exceptional legal services, with a strong commitment to professional growth, ethics, and teamwork.

Jairos holds a Bachelor of Laws (LLB) from the University of Lusaka (UNILUS) and a Bachelor of Arts with Education (BA Ed) from the University of Zambia (UNZA).



LAZ IN COURT - 2025 MATTERS

NO.	NAME OF COURT MATTER	HANDLED BY	NATURE OF THE MATTER	STATUS
1.	Miles Bwalya Sampa V. The Attorney General 2024/CCZ/0042	Joseph Chirwa and Company	Alleged breach of Article 210 of the Constitution (Amendment) Act No. 2 of 2016 arising from the Mopani Copper Mines transaction; LAZ joined as amicus curiae to provide constitutional interpretation on the sale or disposal of state assets.	Filing of petition to join as Amicus Curiae pending.
2.	Law Association of Zambia V The Attorney General & Another-2025/CC/006	Malisa and Partners Legal Practitioners	Judicial intervention in a Constitutional matter involving the appointment of the Auditor General.	Court Process discontinued and Consent entered into between the parties.
3.	Law Association of Zambia V Attorney General – 2025/HP/0975	Messrs Mwenya & Mwitwa Advocates and RASO Chambers	High Court Petition to review the Constitutionality of the provisions of the Cyber Security and the Cyber Crimes Acts 2025.	Petition has been filed in the Court.
4.	Law Association of Zambia V The Speaker of the National Assembly – 2025/CCZ/0015	Simeza Sangwa & Associates	Petition alleging Contravention of Articles 1,2,5,79,128, and 267 of the Constitution challenging the Ruling of the Speaker for allowing the continuation of the legislative process in Violation of the Constitutional Court's Judgement.	Petition has been filed in the Court.

LAZ ACTIVITIES IN PICTURES

The Writ Matebeto Opens



LAZ ACTIVITIES IN PICTURES

LAZ signs Memorandum of Understanding (MOU) with the Securities and Exchange Commission (SEC)



National Legal Aid Clinic for Women hosts training in Ndola



LAZ ACTIVITIES IN PICTURES

Meeting between Attorney General Hon. Mulilo Kabesha SC, and the Legal Practitioners Committee (LPC) at LAZ House



LAZ ACTIVITIES IN PICTURES

LAZ AGM Gala Dinner



LAZ ACTIVITIES IN PICTURES

Game Night





LAW ASSOCIATION OF ZAMBIA

2025

SUMMER SCHOOL

Theme - Beyond the Basics: Mastering
Compliance, M & A, Capital Markets, & Tax
Laws

Registration
K8,500 ONLY
Per Participant



Venue - Siavonga Lake Kariba Inns
22th to 26th September 2025



**Limited Slots
Available**

PUBLICATION CALENDAR

January 30th - Submission Deadline

February - Newsletter published
 (Special Women's Month edition)

March 30th - Submission Deadline

April - Newsletter published

May 30th - Submission Deadline

June - Newsletter published

July 30th - Submission Deadline

August - Newsletter published

September 30th - Submission Deadline

October - Newsletter published (Special
 Independence Celebrations Edition)

November 30th - Submission Deadline

December - Newsletter published
 (Special Xmas Edition)

UPCOMING EVENTS

LAZ Marathon

Date: 30th August 2025

Venue: Ndola

Theme: "Unlocking Justice for all"

LAZ Summer School

Dates: 21st to 27th September 2025

Venue: Lake Kariba Inns, Siavonga

Theme: "Beyond the Basics: Mastering Compliance, M&A, Capital Markets, & Tax Laws"

International Bar Association (IBA) Annual Conference

Dates: 2nd to 7th November 2025

Venue: Toronto, Canada

LAZ End of Year Party - Lusaka

Date: 12th December 2025

Venue: TBA

LAZ End of Year Party - Ndola

Date: 5th December 2025

Venue: TBA

LOOK OUT FOR THE NEXT EDITION!

1. Understanding the New Continuous Professional Development (CPD) Rules

2. The remarkable journey of Madam Justice Lombe Chibesakunda

Plus much more!

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."

©Copyright 2025