



The Lawyer's Insight

A LAZ NEWSLETTER • ISSUE 5 • WOMEN'S MONTH EDITION, MARCH 2025

HAPPY INTERNATIONAL WOMEN'S DAY



THE EDITOR'S INSIGHT

Welcome to the 5th edition of the *Lawyer's Insight*, a special issue dedicated to honouring the remarkable contributions of female lawyers in Zambia. In this edition, we shine a spotlight on the women who have made groundbreaking strides in the legal profession, shaping the path for future generations.

In the pages that follow, you will find wisdom and practical advice, front and centre, as seasoned women lawyers share their stories. We are honoured to feature an exclusive interview with **Hon. Mrs. Justice Florence Mumba**, Zambia's first female High Court and Supreme Court Judge. Her remarkable journey, shared on pages 7 to 10, offers invaluable insights into her trailblazing career. We also celebrate other pioneering women, including **Hon. Madam Justice Lombe Chibesakunda**, the late **Hon. Mrs. Justice Ireen Mambilima**, and **Mrs. Kondwa Chibiya-Sakala, S.C.**, whose inspiring stories can be found on pages 16 to 19.



A special feature on Zambia's women **State Counsel** (pages 11 to 13) highlights the critical role women play in shaping legal practice at the highest levels. Additionally, on pages 14 to 15, we hear from **Mrs. Daisy Nkhata**, whose advocacy led to the creation of the National Legal Aid Clinic for Women.

This edition also aligns with the United Nations theme for International Women's Day, "For ALL Women and Girls: Equal Rights. Equal Opportunities. Equal Power." In this context, our writer **Daniel Libati** explores whether Zambia's electoral system offers equal opportunities for vulnerable groups—such as women, youth, and persons with disabilities—to participate fully in the electoral process, especially as we look toward the 2026 General Elections (pages 5 to 6).

Continue to read on for a recap of key events that have taken place, such as the Lusaka Arbitration Week at page 29; the LAZ Governance Forum at page 30; and the Special Court Session for the retired Hon. Mr. Justice Evans Mweembani Hamaundu at page 31. For the young, dynamic female lawyers navigating modern practice, we offer practical advice on achieving work-life balance in our feature on pages 22 to 25. The newsletter moves on with updates on all LAZ activities lately, from pages 29 to 36. At pages 20 to 21, we have prepared a special tribute to the Hon. Mrs. Justice Nichola Ann Sharpe-Phiri for her appointment to the Seychelles Court of Appeal. We close off with LAZ activities in pictures, upcoming events and what to look forward to in the next edition.

We extend our heartfelt thanks to **Stanbic Bank** and **Zamtel** for their generous sponsorship. We also encourage other institutions, including law firms, to consider partnering with us in the future. A special thank you to our dedicated newsletter team for their ideas and contributions, and to our members for sharing their insights.

The Lawyer's Insight is a platform for all lawyers to share their insights on issues that matter to them and to the general public. Therefore, all lawyers are invited to contribute by getting in touch with the LAZ secretariat at sakalae@laz.org.zm or directly with the Editor at misozi@novushmlegal.com with the subject "The Lawyer's Insight." See our Year Calendar for publications on the last page for your planning.

We hope that you will enjoy reading this edition and wish you a Happy International Women's Day!

Misozi Hope Masengu
Editor

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FROM THE PRESIDENT'S DESK

Greetings to the membership.

It has been a fast-paced start to the year. I wish to reiterate that your Council and I remain committed to delivering on our mandate as an Association, in accordance with our 2024 to 2026 Plan.

Through the Lusaka International Arbitration Centre (LIAC), we successfully co-hosted the Lusaka Arbitration Week (LAW) from 26th to 28th February 2025, at the Intercontinental Hotel in Lusaka with the Chartered Institute of Arbitrators. Aside from the proverbial 'bringing London to Lusaka, the hosting of LAW in partnership with our stakeholders is critical in positioning LIAC as the preferred choice for the resolution of all commercial disputes in Africa. Thank you to our sponsors and partners for making this event a huge success.

As always, we continue to intervene in matters of constitutionalism, good governance and the rule of law for the betterment of society and our fellow citizens. In this vein, we hosted the first edition of the LAZ Governance Forum at the Mulungushi International Conference Centre in Lusaka, under the theme *"Democracy and Freedom of Expression in Zambia: What Next After the UN Special Rapporteur?"* Thank you to PANOS Institute Southern Africa for being a strategic partner. Designed as a monthly platform for dialogue, the LAZ Governance Forum will facilitate discussions on critical national and public interest matters.

On the welfare front, we have drafted the Standard Funeral Protocol for Legal Practitioners and sent out a Call for Comments from the membership. We believe that by standardising funeral proceedings for all practitioners, we will uphold the dignity of our members even in death, regardless of the number of years at the bar. The Protocol will also reinforce the esteemed reputation of the legal profession in society. I encourage you to send your comments or queries to Secretariat as soon as possible.

In accordance with our decentralisation agenda to enhance efficiency and promote inclusion, we held a Continuous Professional

Development (CPD) workshop in Solwezi for our advocates. The workshop is testament not only to our commitment to inclusion, but also to continuous training for our lawyers across the country. We have planned various such activities in different parts of the country for the rest of the year, please look out for them and participate.

The Council of the Law Association of Zambia has approved the introduction of the LAZ Excellence Awards, as an initiative to recognise legal practitioners who continue to make a remarkable difference in the profession and ultimately society at large. The introduction of the LAZ Excellence Awards is to promote higher standards of practice and societal impact by the legal profession. Every year, LAZ will identify and honour legal practitioners who showcase quality standards of professionalism and lead the way on the national and international stage in ultimately ensuring that LAZ achieves its mandate of using the instrument of the law to further the growth of society. The LAZ Excellence Awards will celebrate the most successful, impactful, innovative and forward-thinking lawyers across the country. The membership is requested to support the LAZ Excellence Awards by making nominations and voting once called upon to do so.

The month of March is for celebrating our women and their tremendous contributions to society. This year's theme "For ALL Women and Girls: Rights. Equality. Empowerment," makes us reflect on our mandate as an Association under section 4(a) of the Law Association of Zambia Act, to ensure justice for all in society. Through the National Legal Aid Clinic for Women (NLACW) and other avenues, we have ensured that women have access to legal services, legal protection and ultimately, to justice. The year 2025 is also monumental, as it marks the 30th anniversary of the Beijing Declaration and Platform for Action, adopted at the 4th World Conference on Women in 1995. The BPfA is a global agenda which is arguably the most impactful in terms of advancing gender equality and women's rights.

When I look at the resilience, dedication,

passion and leadership women have historically demonstrated in every facet of our society, I don't blame Shaggy, the American Singer, for wondering if God is a woman, in his celebrated song 'Strength of a woman.' What is not in doubt, is that the fairer gender has fairer attributes which glue us together as a society and these attributes are worthy of celebration.

To all our women lawyers, we celebrate you. We appreciate you. Because of your inspiration, be assured that LAZ remains committed to ensuring that the rights of women and girls, and also vulnerable groups such as persons with disabilities and children, are safeguarded.

Happy International Women's Day!

Lungisani Zulu

President of the Law Association of Zambia





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PARTICIPATION OF WOMEN, PERSONS WITH DISABILITIES AND THE YOUTH IN THE 2026 GENERAL ELECTIONS - A LOOK AHEAD

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

Recent policy pronouncements

On the occasion of the official opening of the Fourth Session of the Thirteenth National Assembly, President Hakainde Hichilema reminded the Nation that the Constitution remained an important document for the country's identity. He lamented the fact that Zambia had failed to reach consensus on this very important document. He said:

"As a Country, we still need to reform our Constitutional Order to ensure that it truly reflects the aspirations of all citizens. The New Dawn UPND Government, given the substantial work that has been done in the past, is committed to facilitating a least-cost, efficient, and credible process"

(Speech delivered by the Republican President at the occasion of the official opening of the Fourth Session of the Thirteenth National Assembly on Friday, 13th September 2024 at page 26)

Only a week after the President's speech to Parliament, the Chairperson of the Electoral Commission of Zambia (ECZ), Mrs. Mwangala Zaloumis, State Counsel (S.C), was quoted as stating that there was need to address the gaps identified in the Constitution and other electoral laws. She went on to state that the ECZ had therefore appointed the Electoral Reform Technical Committee (ERTC) to spearhead that process. (Mwiche Nalwimba "Article 52 not good: It can be used to disrupt elections – ECZ" News Diggers edition of Friday, 20th of September 2024 at page 4).



It is not clear whether the ECZ Chairperson's remarks were directly related to those of the President issued in Parliament only a week earlier. However, what is clear is that on the one hand the President stressed his government's commitment towards reforming the Constitution, and on the other hand, the ECZ Chairperson confirmed the presence of gaps in the Zambian electoral system, which according to the ECZ required reform of the Constitution and other laws.

The policy pronouncements made by the Republican President and the head of the ECZ are both critical and timely, especially considering that Zambia will be going to the polls next year.

As we celebrate International Women's Day, this occasion begs the question: what do these pronouncements mean for Women? In this article, we will extend the question to include Persons with Disabilities (PWDs) and the Youth.

What is the position of stakeholders?

One might argue that this is not an issue worth delving into. To that end, a good point to start from would be to have a look at what stakeholders among those categories of people have had to say about these issues.

(i) Women

In an article published by the United Nations Development Programme (UNDP) on the 19th of December 2022 it was revealed that:

"Zambia currently boasts a majority female population at over 51%, however women currently represent 20.5% of political positions in the country. ... As such, it has become increasingly critical to advocate for the increased participation of women in elections and in politics."

(Vanessa Wematu Akibatie. 2022. Democracy Strengthening Project in Zambia and Zambia National Women's Lobby. Inaugural Conference on Policies and Strategies for Increased Participation and Representation of Women in Elections and

Politics in Zambia viewed at <https://www.undp.org/zambia/news/working-towards-increased-womens-political-participation-zambia> on 29th January 2025)

(ii) PWDs

In a statement to the media by stakeholders led by the Disability Rights Watch, Persons with Disabilities submitted as follows:

"Inclusion is an essential condition to upholding human rights, sustainable development, peace and security. It is also central to the promise of the 2030 agenda for sustainable development to leave no one behind ... (the organisations) made a strong appeal to political parties to adopt persons with disabilities. (They had) documented the political journey of a number of persons with disabilities across the country who (had) positioned themselves and demonstrated their leadership qualities. (They were) disappointed that some of (those) candidates did very well in primary elections but were left out by the political parties at the last minute. This (according to them was) systemic discrimination in political parties which (needed) to come to an end."

(iii) The Youth

On the 6th of September 2019, the Centre for Young Leaders in Africa – Zambia (CYLA) met with a Parliamentary Select Committee to discuss CYLA's submissions on constitutional reform. It proposed that:

"A total of 30% of seats in parliament be reserved for representation of marginalized groups (women, youths and persons with disabilities) in line with SADC and AU protocols (and a) 20% quota for women and youth at the local government level."

(Centre for Young Leaders in Africa – Zambia. 2019. Submission to the Parliamentary Select Committee

on the Constitution of Zambia (Amendment) Bill, N.A.B No. 10 of 2019. Viewed at <https://www.cylazambia.org/press-on-29th-January-2025>)

The Way Forward

It is clear from the foregoing, that Women, PWDs and the Youth feel left behind. The position of stakeholders is also clear, which is that there is need for change in our electoral system that positively discriminates in their favour. Some affirmative action of sorts is required, that is embedded in the law. With the ECZ having already put in place the ERTC, it is hoped that the ERTC will address the concerns raised, but more so, adopt the recommendations that these groups have raised as highlighted in this article; and in a plethora of material emanating therefrom.

One is left with little option but to agree with the Republican President, that in as far as constitutional reform is concerned, substantial work has been done in the past. For instance, previous Constitutional Reform Commissions have recommended that:

"The Constitution should have a general provision to guarantee balanced gender representation at all levels of the three organs of Government ... and political party structures ... [it] should guarantee that persons with disabilities and youths should be equitably represented at all levels of governance."

(Secretariat. Report of the Constitutional Reform Commission. 2005. Viewed at https://constitutionnet.org/sites/default/files/final_report_of_the_constitution_review_commission.pdf on 29th January 2025)

For now, we wait to see what proposals the ERTC will offer to the Zambian people, so as to deal with the issues of participation of Women, PWDs and the Youth in elections. This is especially important in view of the next General Elections which are imminent.

UP CLOSE AND PERSONAL WITH JUSTICE FLORENCE MUMBA

First Female Appointed High Court and Supreme Court Judge; and Ombudsman

By Misozi Hope Masengu, Managing Partner – NOVUS HM Legal Practitioners

When we first arranged the interview with Judge Mumba, I was a bit nervous, unsure of what to expect since I hadn't met her before. I anticipated a stern, reserved, and perhaps unapproachable demeanor. However, when we met in the holding room at the Intercontinental Hotel, I was greeted with the warmest smile. The interview quickly felt like a casual catch-up with a colleague I hadn't seen in a while. As you'll see from the interview, Judge Mumba isn't shy about sharing the rich, fulfilling experiences of her life. She opens up about her family, her career, and her perspectives on women and marriage. And I couldn't help but admire her vitality—at 76 years old, she exudes the energy and enthusiasm of someone half her age, which is a rare and refreshing trait these days.

Now, let's dive into the interview.

Q: The internet has a lot of information about your professional accomplishments as a Judge, but little to no information about your background. Tell us about your early life.

A: I was born in a family of six (6) children and I am the second born. My parents lived in Mufulira and that is where I grew up. I started school in our village in Chisekesi at Hanamaila Primary school. I did home schooling for two (2) years (taught by my mother), because the school was too far for me to walk. So, when I was able to walk there, I started formal schooling in Standard one. From Hanamaila, I went to Mufulira Central School and then to Kamuchanga for Upper Primary. In August 1963, I went to Chipemba Girls Secondary School. Thereafter, I went to the University of Zambia



(UNZA). I studied French up to O'level and went to Madagascar for three (3) months to further my studies, before continuing at UNZA. After the first year at UNZA, I wanted to study Theology, but I could not as it was not offered. So, I decided to join the law school. I was the only girl in my law class at UNZA.

When I completed my studies at UNZA, I went to the Law Practice Institute (now

ZIALE) and studied for nine (9) months. During this period, I was attached to the Ministry of Justice under the Legal Aid Department, most of the time. I sat for ZIALE exams and passed with two distinctions. Thereafter, I was appointed formally as Legal Counsel in the Ministry of Justice, in the department of Legal Aid then. I rose through the ranks to Assistant Legal Aid Counsel, then Senior Legal Aid Counsel, until I was appointed as the Director of

the Legal Aid Department. After two (2) and half years of serving in that capacity, I was appointed as High Court Judge in 1980, making me the first female lawyer appointed High Court Judge in Zambia.

Q: You were appointed the First female High Court Judge in 1980– How did you feel and what was the public response to your appointment? Take us back to that moment.

A: A good number of political leaders were very happy, especially the female political leaders, because they now had a woman on the High Court bench. I was a bit unsure of myself, because I used to watch how Judges worked and how they managed heavy workloads. Then being a woman - at the time, I was married, had a husband and very young children. So, I was wondering how I was going to cope. Before my appointment, I was briefed by the Chief Justice (CJ) at the time, the late Hon. Justice Anel Silungwe, that I was nominated for the Office, but that I should inform my family about it to get their approval because of the heavy workload involved in the role. I informed my husband and my family and they were very happy with the news.

At the time I was informed about the appointment, I was actually expecting my third child, so I told the CJ that I couldn't get into a new office while pregnant. The CJ was understanding and he told me that they would wait until I gave birth before formally appointing me. I went on maternity leave and was appointed upon my return. My baby was literally four(4) months old at that time. I got pregnant again while on the bench, with my fourth and last child.

In March 1989, I was promoted to the office of the Investigator- General (Ombudsman) which is referred to now as the Office of the Public Protector, making me the first female to occupy the Office of Public Protector.

In June 1997, I was appointed as Supreme Court Judge, together with Judge Lombe Chibesakunda, making us the first female Judges in the Supreme Court.

Q: Tell us about your numerous international appointments.

A: I was elected to the UN Commission on the Status of Women, 1993-1995. From 1992 to 1996, I served as Director for Africa on the International Ombudsman Board

As Commissioner, I participated in drafting the Protocol to the African Charter on Human and Peoples Rights on the establishment of the African Court of Justice in 1995.

and later, as Vice President of the said Board. I served as Commissioner on the International Commission of Jurists, 1994 to 2003. As Commissioner, I participated in drafting the Protocol to the African Charter on Human and Peoples Rights on the establishment of the African Court of Justice in 1995. As a Commonwealth Secretariat expert, I participated in drafting a Constitution Amendment Bill for the establishment of a national Ombudsman for The Gambia, 1993.

While serving as Investigator-General,

in 1997, I was elected to the UN General Assembly, to serve as Judge of the International Criminal Tribunal for the former Yugoslavia (ICTY) based in the Netherlands. I moved to the Netherlands with my family. The first term was 4 years and after that, I asked for another term to serve. At that time, some of my children were still in university in the United Kingdom. I served as Vice President of the Tribunal for two years, 1998 to 2001. I also served on the Appeals Chamber for both ICTY and the International Criminal Tribunal of Rwanda (ICTR), 2003 to 2005. I came back to Zambia after 8 years of being in the Netherlands and went back to serve on the Supreme Court Bench.

In 2009, I was also appointed to the African Union High Panel on Darfur. In the same year, I was appointed Reserve Judge of the Extraordinary Chambers in the Courts of Cambodia. In 2012, I was appointed full time International Judge of the Supreme Court Chamber in Cambodia.

Q: In 2008, you were appointed as the Chairperson of the Electoral Commission of Zambia (ECZ). Tell us about your experience.

A: Yes, while at the Supreme Court, I was appointed as the Chairperson of the Electoral Commission of Zambia (ECZ) in August 2008, by the then Republican President, His Excellency, the late Dr. Rupiah Banda, after the death of the former Republican President, His Excellency, the late Dr. Levy Patrick Mwanawasa. We had to



hold elections within 90 days in accordance with the law. I served at ECZ for two(2) years until I resigned. It was during my tenure at ECZ that the Commission decided to start counting votes from the polling stations immediately after closing, so that we could eliminate the problems of missing ballot boxes, and the like. We encouraged political parties to have their polling agents at every polling station to observe and sign off on the results after counting, instead of having a central counting place. It became much easier to verify results after this. After ECZ, I went back to the Supreme Court and that's where I retired in January 2014.

Q: What Impact did the appointment as High Court Judge have on your family - how did you manage to balance work and family?

A: I was fortunate in that my late husband was very supportive. He was always ready to look after our children, whenever I was away, even before we left for the Netherlands. I also used to make an effort to employ reliable nannies to look after our children whenever I was at the office or out of the country. I had a philosophy, that domestic matters must be dealt with at home e.g. nanny, children problems, etc, so that when I am at the office, I could concentrate on my official duties. I also made sure that things were right at home, so that I wouldn't go to my bosses to complain about my home issues. In those days, the technology was not as good as it is today (there were no londola phones then), so you had to be disciplined, such that when you leave home, you had to ensure that everything was properly set. So, family support was important and that helped me a lot.

For my husband, when I was appointed Judge, he was informed that he had to change his drinking places - he could not just go drinking anywhere for security reasons. So, he was allowed to join the Parliament Motel. He had to make such sacrifices, being the first husband in Zambia to have a High Court Judge as a wife! It was not easy for him and it took a toll on him sometimes. My background as a Christian and being brought up traditionally assisted me a lot in handling the challenges in our marriage. Respect for my husband was very important - when I went home, my robes remained outside the gate. Inside the gate, I was a wife and a mother; and my husband ruled as the leader of our home. Giving up on my marriage was never an option, for my philosophy was always "if



UNICTY International Judges 1997

you are going to start something, you better succeed at it." The divorce cases which I constantly handled at the High Court also helped me - I could see that "umwana kashi nga taichefyeshe, ichupo tacha bombe." I am a Christian and I believe that what God has given you, he has given you totally. You will have challenges in your marriage always, but just go back to God and say "God, you gave me this man as a husband,

show me how to live with him." That used to be my prayer always in my marriage.

The main point I think as a wife is to respect your husband, no matter what. Even if I was getting more money than my husband, that was irrelevant, we shared our responsibilities. I think profound respect for a husband is key in marriage. You earn a lot, actually, by being respectful, because what men need in their capacities as husbands is respect, not love. It is the women, in their capacities as wives, who need love. Marriage is a career on its own, you have to work at it for it to succeed. My good friend, the late Chief Justice, Ireen Mambilima and I used to joke that we had three careers: Wife career, Mother career and Law career; and that we had to work very hard at all of them!

Also, this equality issue we talk about as women is not correct - for me, what we should be fighting for are equal opportunities and not equality, because men and women are created differently. If you respect your responsibility and take on your role, then you will succeed.

Q: What has been the proudest moment of your career?

A: I think When I was appointed High Court Judge, because I didn't expect it. I really felt honoured by the appointment. Also, in terms of the most fulfilling work that I have done, there are two(2) offices which I enjoyed occupying during the

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course of my career. Firstly, the office of Ombudsman, because I was dealing with administrative justice. I was very satisfied with that work because I was in charge, there was no interference. We moved fairly fast in terms of investigating the complaints received and issuing resolutions. Having been in the High Court previously, I had already observed that delay affects people adversely, that is, their careers, their lives and in other respects. So, when I served as head of an institution where decisions could be made without undue delay, I urged Commissioners to expedite investigations so that people could move on with their lives. It was satisfying from that point of view. I also think that the office promoted political stability because people understood that they could complain against a cabinet minister, a permanent secretary or anybody else in the public sector, and their complaints would be understood and redress was granted against anybody. People respected that.

Secondly, the office I enjoyed was that of presiding Judge in trials at the UN Criminal Tribunal for the former Yugoslavia (ICTY). We had support in terms of library, computer systems and the Tribunal was open 24/7. That was satisfying because I could set my pace for working at our trials. I encouraged my team to always work conscientiously, because even at international level, those people who were in custody had to have their cases decided without undue delay, especially that they were politically sensitive cases. Due judgments were key because even governments were waiting for our judgments so that they could make decisions moving forward.

Q: When you look back on your career, are there moments when you feel that you could have done things better or differently?

A: Yes, there is one matter, in particular. I had an opportunity to write an article on a case I had presided over, but I let the opportunity pass and my other colleagues seized the opportunity. It was about punishment in criminal cases, i.e. whether it should be a deterrent or, that sentences should serve to rehabilitate convicted persons, etc.

Q: Where is the Judge now?

A: I live on a homestead. I sleep a lot and eat a lot of vegetables. I am trying to recover and rest from all the stressful years



Grand Commander Distinguished Service 1st Division 2023



Introduction of vote counting at polling stations



Interview with Newsletter team

of hard work. In 2008, my husband died of injuries sustained in a road traffic accident along Thabo Mbeki Road, after 33 years and 2 months of marriage. After he died, I never thought of remarrying, because I thought I would never stop comparing the new partner to my late husband. Although opportunities to remarry were there. So, the marriage chapter was closed, for good! 😊

Q: What advice do you have for female lawyers?

A: Choose a niche and specialise in a specific field, whether you are in government or other institution, or in private practice. Wherever you are, always work hard with distinction, because somebody is watching. You must also remember that your work as a lawyer affects people and the way they move on with their lives. Every

litigant is an economic agent, so you must move fast in the execution of your duties whether as a legal practitioner or a Judge, so that you do not delay them in their activities. Even if your litigant is just a house wife, she's working hard to ensure that her family is fine. So, get your work done as best as you can and be satisfied with it. For Judges, magistrates, arbitrators, etc, realise that whatever decisions you make in law remain permanent, the information still remains on record, even if it is later quashed by a higher court. Researchers, in later years will write about it. I always say that lawyers are the ones ruling the world because everybody needs legal advice at one time or another. You have to understand this responsibility and take it seriously, always.

THE ROAD TO SILK - REFLECTIONS ON THE JOURNEY OF THE SEVEN (7) FEMALE STATE COUNSEL IN ZAMBIA (PART 1)

Chanda Chungu – University of Zambia

Attaining the dignity and rank of State Counsel is one of the objectives of any litigator in Zambia. It certainly marks reaching the pinnacle of the legal profession and symbolizes one's unique and remarkable contribution. Currently, Zambia has fifty-one (51) living lawyers who have been appointed as State Counsel (SC). However, of these, only seven (7) are female. In celebrating Women's Month this March, it is imperative to discuss the journey of the remarkable women who have undoubtedly shaped the legal profession and to discuss the challenges and opportunities for other women to excel. This article shines a spotlight on the 7 female SC namely: - Retired Judge Prisca Nyambe, SC; Honourable Speaker Nelly Mutti, SC; Justice Abha Patel, SC; Mrs. Mwangala Zaloumis, SC; Mrs. Irene Kunda, SC; Mrs. Lillian Fulata Shawa Siyunyi, SC; and Mrs. Kondwa Sakala-Chibiya, SC.

Journey to State Counsel

These phenomenal and courageous women have all had remarkable journeys. Justice Prisca Matimba Nyambe, SC was called to the Zambian bar in 1978 and as an Advocate of the High Court of Zimbabwe in 1982. Following a career as a Magistrate, Legal Counsel at the Bank of Zambia and various political appointments investigating discrimination and elections, she was appointed as State Counsel in 2005. She was elevated to the position of Judge of the High Court of Zambia in 2006, serving until her retirement in 2015.



Speaker, Nelly Mutti, SC was admitted to the Zambian bar on 23rd December 1980 and over the next forty-three (43) years of her career, worked at the Ministry of Foreign Affairs and Managing Partner of Lukona Chambers played a critical role in fighting injustice. She was subsequently appointed as the first female Speaker of the National Assembly in 2021 where she continues to champion constitutional and human rights issues.

Justice Abha Patel, SC emigrated to Zambia in 1973 and went on to study law at the University of Zambia, where she graduated with a Distinction in 1987. She

was admitted to the bar in 1988, again at the top of her class. Following that she went on set up her own firm Abha Patel & Associates in 1998, which she practiced under and managed until she ascended to the Bench in December 2018.

Mrs. Irene Kunda, SC was admitted to the Zambian Bar in 1983. She has since served the profession for a period of forty-two (42) years where she has been at the forefront of some of the leading decisions during her time practicing under George Kunda and Company.

Mrs. Mwangala Zaloumis SC who is

currently the Chairperson of the Electoral Commission of Zambia (ECZ), was called to the bar in December 1990. She was the Managing Partner of Dove Chambers prior to her appointment. Lillian Fulata Siyunyi spent a large majority of her career at the national Prosecution Authority, and became the first female Director of Public Prosecutions in 2015.

Mrs. Kondwa Sakala-Chibiya was called to the bar in December 1995. She spent her first three years with Zambia Consolidated Copper Mines Limited (ZCCM) and later joined JB Sakala and Company, where she currently serves as Managing Partner. During her almost thirty (30) years at the Bar, she held various roles assisting the Law Association of Zambia (LAZ), including but not limited to, serving as a Council Member and Honorary Secretary, as well as currently serving as the Convenor of the Legal Practitioners' Committee (LPC). She also served on the Human Rights Commission and Judicial Service Commission.

Challenges for Female lawyers attaining State Counsel

As it relates to the challenges faced, every female SC interviewed emphasised the gender biases and stereotypes relating to women in the profession. There continues to be questions about the capabilities, competence and commitment of female advocates, that makes it difficult to break through the glass ceiling. This is reflected in the fact that female legal practitioners continue to be sidelined when it comes to appointments to constitutional offices, namely Attorney-General, Solicitor-General and Director of Public Prosecutions.

The Speaker of the National Assembly identified that Zambia is a patriarchal society, where it is difficult for women to thrive. This is reflected in the fact that most constitutional officers that are automatically conferred with the dignity and rank of State Counsel, are rarely conferred on female lawyers. For example, Zambia has never had a female Attorney-General and has had females serving only as Solicitor-General and Director of Public

There continues to be questions about the capabilities, competence and commitment of female advocates, that makes it difficult to break through the glass ceiling.

Prosecutions since independence. As the law stands, however, any legal practitioner of more than ten (10) years standing at the bar must make a formal application to the Attorney-General who then makes a recommendation to the President for appointment as State Counsel. It therefore,

follows that without this application, few women will be considered. This is a major challenge as not as many women are taking the bold step.

Justice Patel, SC also noted that one major challenge is the fact that a legal practitioner must make an application where they feel that they meet the criteria. A better approach, according to the learned Judge, would be for fellow counsel and peers in the profession to confer the status of State Counsel. This may prove to be more transparent and provide fairer opportunities.

Mrs. Kunda, SC highlighted that female lawyers also face the challenge of not having anyone to speak on their behalf, whereas male advocates support each other. The status quo is likely to change where more female legal practitioners encourage each other and prop up each other to attain the lofty objective of State Counsel.

The point on support was brought out in a different way by Mrs. Chibiya as well, who highlighted that there are female role models for aspiring female lawyers. Through greater support and mentorship, more female lawyers will be able to aggressively strive for the target of State Counsel.





Lastly and maybe more importantly, the criteria for State Counsel adopted by LAZ may be a deterrent. In addition to the requirement for ten (10) years of practice required by law, the new guidelines developed by LAZ require a practitioner to demonstrate five (5) cases in the last 5-year period that has set precedent and described as significant or complex by the presiding Judge. This new criterion may make it difficult for any female, or any practitioner to attain the rank of SC as the delivery of judgments is not in the control of any lawyer. LAZ also requires visibility for recognition which may not be possible given the work-life balance challenge alluded to above.

Advice for Young Women Lawyers

The diverse and different career paths of each female SC have allowed each of them to reflect on the path ahead. The female SC interviewed, emphasised that there is no substitute for hard work and dedication. In addition, young female lawyers should be the architects of their own destinies, by setting goals and doing what they can to achieve them. Given the nature of our society, it is important for female lawyers not to limit and/or box themselves into what the profession expects of them. This

entails going after what one's passion really is, notwithstanding the status quo. Female lawyers, like their male counterparts, should strive to develop skills within the profession that set them apart and allow them to be different.

Young female lawyers should be the architects of their own destinies, by setting goals and doing what they can to achieve them.

Developing one's skills is critical, but the female SC collectively agreed that building one's network and connections is also important. All in all, the female SC advised female lawyers to remain steadfast in their journeys. This entails not only NOT giving up and pushing ahead notwithstanding the challenges the females face in the profession, but also providing support to one another.

A challenge that was identified by all was the difficulty of a work-life balance. Due to family responsibilities that often cause breaks and delay in advancements, some women are left behind. This again is linked to the stereotype that female lawyers are not committed to the profession. However, this should not be a hinderance, but encourage women to continue to live balanced lives, where they serve the profession diligently, but also balance other aspects of their lives such as family, service and philanthropy.

The current situation cannot change without a committed effort from all stakeholders. Female lawyers can only support each other, remain steadfast and set themselves apart, only to a certain extent. There is a need for the ultimate decision makers to recognise the different and varying contributions of women, who qualify for the respective constitutional officers and have achieved milestones that merit appointment as SC.

Above all else, the current rules pertaining to the appointment of SC require an application to the Attorney-General. For the numbers to increase, more female legal practitioners should put the foot forward and make the necessary submission, subject to a fairer and more reasonable criteria for consideration.

EMPOWERING WOMEN AND ENHANCING JUSTICE THROUGH THE NATIONAL LEGAL AID CLINIC FOR WOMEN: REFLECTIONS WITH MRS. DAISY NKHATA NG'AMBI

By Melody Nyendwa Mayaka, First National Bank Zambia (FNB)

Celebrating Women's Month

Women's Month is a time to honour the empowerment, resilience, and contributions of women to society. This annual celebration reflects on the progress made towards gender equality and acknowledges the challenges that persist. By recognising the achievements and struggles of women, we reaffirm our commitment to creating a more just and equitable world for all. As we commemorate Women's Month, we had the privilege of interviewing Mrs. Daisy Nkhata Ng'ambi, a trailblazer in the Zambian legal landscape and one of the pioneers behind the clinic's establishment. In this exclusive interview, Daisy shares her thoughts and her journey: as well as her role in the establishment of the National Legal Aid Clinic For Women, its impact on women's lives, and the lessons learned along the way.

Q: Tell us about your family background?

A: I am the third born in a family of eight, with three boys and five girls. Growing up with two elder brothers made me an avid tomboy, always ready to defend myself. This fighting spirit for what is right was instilled in me from a young age.

Q: What about your early education?

A: I attended school in Matero, Chingwere, and later in Harare, Zimbabwe, where my father (the late Alick Nkhata) worked for the Central African Broadcasting Corporation, but was late declared PID (Prohibited Immigrant Declaration). In the year 1963, while I was at primary school in Harare, my day started off well, but what I didn't know was that by the time I got back home from school, my father



had been deported to Zambia and I was left/ abandoned. Thankfully, the people that were around helped to trace, any Zambian around the country. I joined a family of three, a stepmother and her children. She embodied every bit of the stereotype of a stepmother. While she did no ill to me, she treated her stepchildren terribly and I took it upon myself to advocate and fight their battles against their mother. My father's involvement in the Zimbabwe liberation struggle and his deportation to Zambia left a lasting impact on me, fuelling my advocacy for the downtrodden.

Q: Please share your tertiary education journey?

A: I studied at the University of Zambia (UNZA) during its prime. Inspired by Portia from "The Merchant of Venice," I pursued law. Despite

the challenges, including being one of the few female students, I graduated alongside notable female lawyers: Prisca Nyambe (Rtd Judge), Josephine Walubita (first female SC in Zambia) and Jessie Mabwezi. While my colleagues went on to the Law Practice Institute (LPI), I didn't. I broke my LPI year, as I had then become Mrs Ng'ambi and accompanied Mr Ng'ambi to the United Kingdom where he was going to pursue a Master's degree in Electronic Engineering. I used that opportunity to equally take up a postgraduate Master's program in law in four areas: Constitutional Law, Land Law, African Customary law and Comparative Divorce laws in the commonwealth.

Q: What about your professional career?

A: I started work at the Law Development

Commission, then moved to UBZ as company secretary, and eventually set up Nkhata Chambers, which has been around for almost 40 years. I have also held the positions of Permanent Secretary of the then Ministry of Gender, Permanent Secretary – Central Province and Permanent Secretary-Ministry of Lands, Natural Resources and Environmental Protection.

A: What sparked your interest in access to justice for women?

A: Firstly, my personal experiences as a married woman. My partner was not supportive of my professional career, and he lived by the ethos of “I am the man of the house and everything goes.” Secondly, the Mfulira mining disaster, which led to property grabbing, ignited my passion. I advocated for the establishment of the Women's Rights Committee of the Law Association of Zambia, which eventually led to the establishment of the National Legal Aid Clinic for Women.

Q: Who were the initial members of the Women's Rights Committee?

A: In our quest to promote women's rights, we established the Women's Rights Committee as one of the committees of the Law Association of Zambia (LAZ). Our mission was to sensitise women about their rights and gender-based violence. The LAZ executive recognised our vision and supported our cause. The committee included Mrs. Lilian Mushota, Charity Mwansa, Eness Chiyengi, and Mervis Chisanga. As the needs of women continued to grow, we set up the National Legal Aid Clinic. This initiative provided crucial assistance to numerous women, addressing their legal concerns and empowering them to take control of their lives. The clinic was staffed with dedicated women lawyers, many of whom rose through the ranks to become leaders in their field. Notably, Mrs Maureen Mwanawasa's leadership helped elevate the profile of female lawyers in Zambia. Her contribution included her endless support and ability to raise funding to support the clinic. She was also pivotal in ensuring Josephine Walubita Situmbeko was celebrated as the first female State Counsel in Zambia. Further, through the Women's Rights Committee, I advocated for the establishment of the Female's Lawyers Association (FLA), and I sat as the First President, with Maggie Chalwe as secretary. Our journey as the Female's Lawyers Association was greatly supported

I advocated for the establishment of the Female's Lawyers Association (FLA), and I sat as the First President, with Maggie Chalwe as secretary.

by LAZ. The support of LAZ remained present even during my actualisation of its decision to set up the clinic offices in Ndola, which I run with for two (2) years. It is disheartening to note that the FLA remains active in name only. I challenge the female council members to take on the project of revamping this!

Q: What are your thoughts about the National Legal Aid Clinic now?

A: The clinic has shifted focus from women's rights to broader gender rights, which I believe should be distinct. The key driver behind women's rights focuses specifically on the rights and equality of women, address issues such as reproductive rights, bias, equal pay, gender-based violence, and access to education and healthcare for women and historically rooted in the feminist movement, which seeks to address the systemic inequalities faced by women. This Gender rights on the other hand, aim to address broader issues of gender equality and discrimination, regardless of one's gender identity.

I am of the strong view that gender issues must be on their own, distinct from women's rights. Additionally, the Legal Aid Board's support has been lacking, particularly in

covering costs for pro bono cases. Further, the merger of the Women's Rights Committee with the Public Interest and Human Rights Community has diluted the focus of women's rights. As we celebrate 30 years of women's rights in Zambia, I am reminded that our work is far from over.

Q: What significant impact did the Clinic make during your time?

A: We documented and analysed trends and cases, driving key decisions that impacted society.

Q: What issues do you think women lawyers face, and how can the profession improve?

A: Issues vary based on factors like marital status and motherhood. Women often miss opportunities due to late night meetings and networking events. The profession itself can be a perpetrator of unhealthy relationships. We need to address sexual harassment and create a safe space for women.

Q: What advice would you give to aspiring advocates for women's rights?

A: It's not easy. Be prepared for isolation and insults. Advocacy for women's rights is often a lonely and non-lucrative path, but it is crucial. We need to reinvigorate our efforts to support women's empowerment. This includes providing workshops and training programmes to help women navigate contemporary issues in the legal and social landscape. We must also ensure that funds earmarked for women's empowerment, such as the Constituency Development Fund (CDF), are utilised effectively. As we move forward, let us recommit ourselves to the pursuit of gender equality and women's rights. We owe it to ourselves, our daughters and the generations to come.

Closing Thoughts

Mrs. Ng'ambi's story and the mission of the National Legal Aid Clinic for Women remind us of the power of resilience, determination, and collective action. As we celebrate Women's Month, let us draw inspiration from her journey and continue to strive for justice and equality. Let us go back to the drawing board, recharge our efforts and work together to create a brighter future for the women of Zambia. The time to act is now!

CELEBRATING THE FIRSTS...

By Nsatusile Mgone, Rose Tembo and Misozi Hope Masengu

We proudly present to you the trailblazing women who have shattered glass ceilings, set new standards, and soared to great heights as legal eagles. These remarkable women have excelled in various capacities as pioneers and leaders, paving the way for the next generations. Their stories of resilience, innovation, and leadership inspire us all.

Journey with us as we celebrate:

1. THE FIRST FEMALE LAWYER/ADVOCATE; SUPREME COURT JUDGE; SOLICITOR GENERAL; AMBASSADOR TO JAPAN; ACTING CHIEF JUSTICE; FIRST WOMAN PRESIDENT OF THE COMESA COURT OF JUSTICE.

The Hon. Madam Justice Lombe Chibesakunda holds the highest number of "Firsts" on our list. In 1969, she returned to Zambia from the United Kingdom, where she obtained her law degree. She is on record as the first trained lawyer (of local ethnicity) in Zambia. Hon. Justice Florence Mumba was the second. In 1973, at the age of only 29, she was sworn in as the Minister of State for Legal Affairs, Deputy to Mainza Chona. She was also simultaneously appointed as Solicitor General, making her the first female to hold this position on the African continent! In 1975, at the age of 31, she was appointed as Zambia's first Ambassador to Japan and one of the youngest female ambassadors in Zambia's history. In 1997, she, together with Hon. Mrs. Justice Florence Mumba were appointed as Supreme Court Judges, making them the first Zambian females to serve as Supreme Court Judges. She was also the first female to serve as Acting Chief Justice of Zambia (2012–2015). In 2015, she was elected Judge President of the COMESA Court of Justice, becoming the first female to be elected to this position. She continues to serve in this capacity to date.

Source: Lombe Chibesakunda. "My Trodden Path – An Autobiography" Soltrane Publishers (2021)



2. THE FIRST FEMALE HIGH COURT JUDGE; SUPREME COURT JUDGE; OMBUDSMAN

In 1980, Hon. Mrs. Justice Florence Mumba was appointed High Court Judge, making her the first Zambian female to serve as a Judge. In 1989, she became the first woman to be appointed to the Office of the Investigator General (Ombudsman). In 1997, she, together with Hon. Justice Lombe Chibesakunda were appointed as Supreme Court Judges, making them the first Zambian females to serve as Supreme Court Judges. Justice Mumba retired in January 2014.

In 2023, she was awarded the esteemed Grand Commander of the Companion Order of Freedom 2nd Division by the Republican President, His Excellency President Hakainde Hichilema. This recognition highlights Justice Mumba's significant contributions to the advancement of justice and human rights both in Zambia and internationally.



3. THE FIRST FEMALE CHIEF JUSTICE | DEPUTY CHIEF JUSTICE

In 2015, the late Hon. Mrs. Justice Ireen Mambilima was appointed as Chief Justice of Zambia, becoming the first Zambian woman Chief Justice. Prior to this, she had served as Deputy Chief Justice from 2008 to 2015. Additionally, Justice Mambilima presided over the 2006, 2011 and 2015 elections as Chairperson for the Electoral Commission of Zambia (ECZ).

On 10th June 2021, Justice Mambilima travelled to Egypt on official business and fell ill. She died in a private hospital in Cairo on 20th June 2021. During her state funeral, the former President His Excellency President Edgar Chagwa Lungu, had this to say about her "The lady to be interred today is a great example, especially among our girls, that you young ladies can be whatever you want to be if you put your mind to it. Irene Mambilima was a girl raised in a humble community in Lusaka at a time when the girl-child was disadvantaged as far as education was concerned but she eluded those stereotypes, excelled at secondary school, studied law at university and rose to the highest office of the judiciary." MHSCRIP

Source: <https://www.lusakatimes.com/2021/06/26/death-of-chief-justice-mambilima-painful-president-lungu/>



4. THE FIRST FEMALE STATE COUNSEL

The late Ms. Josephine Nyirongo, S.C was the first Zambian female to be conferred with the rank and honour of State Counsel. She contributed greatly to the development of the legal profession in Zambia. MHSCRIP.



5. THE FIRST FEMALE LAZ PRESIDENT | VICE PRESIDENT FOR AFRICA – COMMONWEALTH LAWYERS' ASSOCIATION

In 2016, Ms. Linda Kasonde was elected the first female President of the Law Association of Zambia (LAZ). In 2019, she was elected Vice-President for Africa of the Commonwealth Lawyers' Association (CLA), the first Zambian woman to hold that position. She is the founder of the firm LCK Chambers, and continues to play a pivotal role in shaping Zambia's legal landscape.



6. THE FIRST FEMALE ZAMBIAN PRESIDENT OF THE SADC LAWYERS ASSOCIATION

In 2012, Mrs. Kondwa Chibiya – Sakala, S.C was elected as the President of the SADC Lawyers' Association (SADC-LA), making her the first Zambian to hold this position. In 2024, she was conferred with the dignity and honour of State Counsel. Currently, she is the Convenor of the Legal Practitioners' Committee (LPC) of the Law Association of Zambia (LAZ) and the Managing Partner of JB Sakala and Co., based in Lusaka.



7. THE FIRST FEMALE SPEAKER OF THE NATIONAL ASSEMBLY

In 2021, the Thirteenth National Assembly of Zambia, elected Hon. Nelly Butete Kashumba Mutti, S.C as Speaker, becoming the first female Zambian to hold this position. On 13th March 2024, she was conferred with the dignity and rank of State Counsel.

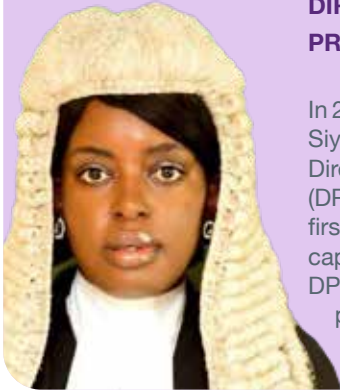


8. THE FIRST FEMALE RHODES SCHOLAR

Lucy Sichone obtained her law degree from the University of Zambia, and in 1981, won the Rhodes scholarship to study for an economics and politics degree at Oxford University in England. She became Zambia's first female Rhodes Scholar. Upon her return to Zambia, she practiced as a lawyer and public defender, and founded the Zambia Civic Education Association. "Notoriously outspoken, Sichone made a name for herself challenging and chastising her country's government officials. The Non-Governmental Organization Coordinating Committee (NGOCC) described her as a fearless campaigner for human rights especially land rights and the rights of suspects and underprivileged in the society. " She died in 1998. MHSCRIP.

Source: <https://rhodesproject.com/lucy-banda-sichone-profile>





9. THE FIRST FEMALE DIRECTOR OF PUBLIC PROSECUTIONS (DPP)

In 2016, Mrs. Lillian Fulata Shawa Siyuni, S.C, was appointed as the Director of Public Prosecutions (DPP) of Zambia, becoming the first female DPP in a substantive capacity. Prior to her role as DPP, Siyuni held various legal positions including serving as a prosecutor.

10. THE FIRST FEMALE JUDGE PRESIDENT OF THE CONSTITUTIONAL COURT

Hon. Madam Justice Hilda Chibomba was appointed as Judge President of the Constitutional Court of Zambia, in 2016, becoming the first female to hold this position. Prior to her appointment, she served as Judge on the Supreme Court bench. She retired in 2022.



11. THE FIRST JUDGE PRESIDENT OF THE ZAMBIA COURT OF APPEALS

In 2016, Hon. Mrs. Justice Fulgency Mwenya Chisanga was appointed as Judge President of the Court of Appeal, becoming the first female to hold this position. Other Judges namely, Justices: Flavia Malata Chishimba, Judy Zulu-Mulongoti and Catherine Makungu, served alongside her in the Court of Appeal as the First females to serve as Judges of the Zambia Court of Appeals. She is currently a Judge of the Supreme Court of Zambia.



12. THE FIRST PRESIDENT OF THE FEMALE LAWYERS' ASSOCIATION

In her quest to promote women's rights, Mrs. Daisy Nkhata Ng'ambi advocated for the establishment of the Women's Rights Committee as one of the committees of the Law Association of Zambia (LAZ). Its role was to sensitise women about their rights and gender-based violence. The committee included Mrs. Lilian Mushota, Charity Mwansa, Eness Chiyengi, and Mervis Chisanga. As the needs of women continued to grow, she advocated for the setting up of the National Legal Aid Clinic. This initiative provided crucial assistance to numerous women, addressing their legal concerns and empowering them to take control of their lives. Through the Women's Rights Committee, she advocated for the establishment of the Female's Lawyers Association (FLA), and became the first President of FLA. Maggie Chalwe was the Secretary.

NOTABLE MENTIONS

1. Margaret Chalwe – First Secretary of the Female Lawyers Association (FLAZ).
2. Hon. Mrs. Justice Abha Patel – First Female to graduate with a Distinction from the School of Law, at the University of Zambia.
3. Dr Tukiya Khankasa - Mabula – First Female Board Chairperson of the United Bank for Africa Zambia Limited (UBA).
4. Sara Larios – First American female to be admitted to practice law in Zambia.
5. Womba Silumbu – Kankondo – First recipient of the Steven Caution Mwaba Malama, SC Award for best graduating student at ZIALE.
6. Hon. Madam Justice Prisca Nyambe, SC – First Zambian female to serve as a Judge of the International Residual Mechanism for Criminal Tribunals.

ARE THERE ANY FIRSTS THAT YOU ARE AWARE OF? Please share with the Editor or the LAZ Secretariat!

CELEBRATION OF THE APPOINTMENT OF JUSTICE NICOLA ANN SHARPE-PHIRI TO THE SEYCHELLES COURT OF APPEAL

By Chanda Chungu, University of Zambia

The 3rd of December, will be remembered as a day of mixed emotions for the Zambian legal fraternity. Justice Nicola Ann Sharpe-Phiri's departure from the Court of Appeal marks a significant loss to the Zambian judiciary and profession as whole. On the one hand, her appointment to the position of Justice of Appeal of the Seychelles Apex Court confirms her place as one of the pre-eminent jurists on the continent, deserving of recognition on the international stage, but on the other, her departure will be felt on the bench.

Judge Sharpe-Phiri embarked on her legal career after obtaining her Bachelor of Laws (LL.B) from the University of Zambia, being admitted to the Zambian bar on 16th December 1992. She also obtained a Master's degree in Human Rights, Conflict and Justice from SOAS University of London. Her early years included a three- year tenure as an Associate at Chilupe & Company under the mentorship of the late George Chilupe SC (1992 to 1995). She then progressed to set up Mopani Chambers, one of the first female law firms in Zambia (1995 to 2001) before co-founding Sharpe & Howard Legal Practitioners in 2001.

Over her nineteen (19) years career as an admitted Advocate of the High Court of Zambia, Justice Sharpe-Phiri developed into one of the leading practitioners in commercial, corporate, arbitration and family law. Among her many accomplishments, Justice Sharpe-Phiri famously argued the landmark case of Zanetta Nyenda v. Kenneth Paul Spooner SCZ Appeal No. 21/2009, a Supreme Court decision that remains the leading



authority on the circumstances where a foreign decision and/or order may be registered and have legal effect in Zambia. Other notable cases argued by the Judge as a practitioner include but are not limited to Zambia Revenue Authority v. Hitech Trading Company Limited SCZ Judgment No. 40 of 2000 which laid down principles regarding the admission of new evidence on appeal and the role of counsel in arguing matters before the court. Further landmark cases she argued include the cases of David Lastone Tembo v Violet Kambole Tembo SCZ Judgment No. 8 of 2004 and Jane Mwenya and Jason Randee v Paul Kapinga (1998) ZLR 178.

Beyond the courtroom, Judge Sharpe-Phiri has significantly contributed to the legal profession. As a very active member of the Law Association of Zambia(LAZ), she has promoted the mentorship and training of young lawyers. serving in various capacities – ranging from Council Member and Secretary of the Legal Practitioners' Committee, to Convenor of the National Legal Aid Clinic for Women. Additionally, as a founding member and former Vice President of the Female Lawyers Association (FELAZ), her influence has extended across the legal profession. She also previously served as a Commissioner of the Small Claims Court.

A pioneer in alternative dispute resolution (ADR), Judge Sharpe-Phiri was among the first members of the bar to receive ADR training and also served as President of the Zambia Association of Arbitrators. As a trained Mediator, Commercial Arbitrator and a Fellow of the Chartered Institute of

Arbitrators (CIArb) she has established herself as one of the leading authorities on arbitration in Zambia. Judge Sharpe-Phiri's industrious and successful career at the bar, led to her appointment as a Judge of the High Court in 2011. She seamlessly transitioned to her new role and quickly earned a reputation for her promptness, effective, efficient and timely delivery of seminal decisions, whilst actively promoting and encouraging the use of alternative dispute resolution mechanisms.

Notably, as the first Judge-in-Charge of the newly established Family and Children's Division of the High Court, she played an invaluable role in the operationalisation of the Family Division and establishment of its Rules., leaving a mark on the division. Judge Sharpe-Phiri's exemplary performance and excellent track record on the High Court, paved way for her elevation to the Court of Appeal of Zambia. During her three and a half years on the appellate court, she delivered landmark decisions, including the opinion of the Court of Appeal in *Cavmont Bank Limited v. Cereal Millers and Farms Limited* Appeal No. 27/2021 which lucidly clarified the position on equitable mortgages and the remedies available in foreclosure and order for sale in mortgage actions. Her decision on behalf of the Court of Appeal in *Zambia Electronic Clearing House Limited v. James Kalengo* CAZ Appeal No. 239 of 2020 remains the leading authority on the legitimate expectation of renewal of fixed-term contracts of employment in this jurisdiction.

The Judge also demonstrated judicial independence by not being afraid to dissent from her peers as was the case in *Ackim Chirwa and Others v. Mini Mart Development Corporation Company Limited* CAZ Appeal No. 68/2021 which related to the court's obligation to give effect to the terms of the contracts and the limited powers of shareholders in relation to directors of the company, The case of *Group Five v Nuco Industries Limited* CAZ Appeal No. 50/2022 is another such example.



Judge Sharpe-Phiri exemplified her reputation as an expert in alternative dispute resolution with her brilliant exposition of arbitration in *Justice Elliot Esau Chulu (Retired) and Others v. David Kabuku Mwitumwa* CAZ Appeal No. 94/2023. Lastly, in *Yammie Zimba (Sued in her capacity as Administratrix of the estate of the late Kanyuka Zimba) and Another v. Cynthia Zimba (Suing in her capacity as surviving spouse of the late Kanyuka Zimba and guardian of Niza Zimba)* Appeal No. 43/2022 and *Mark Balducci (in his capacity as executor of the Will of Averando Balducci) v. Marco Bonacci (in his capacity as an Attorney for Daniella Bulducci)* CAZ Appeal No. 37/2023, the Judge's experience as a pioneer in family law was on show as she delivered the landmark judgment on the right to inheritance for spouses that are on judicial separation and the requirements for a valid will under Zambian law respectively. Whilst serving on the bench, Judge Sharpe-Phiri also contributed to the operations of the Small Claims Court, chairing the Chief Justice's Advisory Committee on the Small Claims Court. She has also extended her leadership to serving as Vice President of the Zambia Association of Women Judges, as well as being a member of

the International Association of Women Judges.

Through her 32-year career, Judge Sharpe-Phiri has exemplified diligence and excellence in the profession. A staunch advocate for continuous professional development, she has chaired the Advisory Committee on Training and Continuing Education for the Judiciary of Zambia and currently serves as a member of the faculty of the Judicial Institute for Africa, and a Committee Member of the African Judicial Training Network. Her unwavering commitment to judicial training has a lasting impact across Africa.

As Judge Sharpe-Phiri embarks on her new journey to the Seychelles Court of Appeal, we applaud her commitment and passion for service, diligence and dedication and significant contributions to the development of Zambia's jurisprudence and service to the profession. Her impact will be felt for several years to come.

This Women's Month, we celebrate Justice Sharpe-Phiri's achievements and wish her well and continued success on the international stage.

WORK-LIFE BALANCE

TIPS FOR FEMALE LAWYERS TO THRIVE IN A DEMANDING PROFESSION

The legal profession is renowned for its rigor and demands, particularly for young female lawyers striving to build successful careers while maintaining fulfilling personal lives. The high-pressure environment, long working hours, and relentless pursuit of excellence can make achieving work-life balance feel like an elusive goal. However, with intentional strategies and a proactive approach, young female lawyers can thrive both professionally and personally. As we celebrate Women's Month, here are actionable tips to help you navigate the challenges of the legal profession while fostering balance and well-being.

MATILDA CHILESHE KAOMA

**KMG Chisanga Advocates – Partner
| Vice President – LAZ | Deputy
Chair – Lands Tribunal
16 years at the bar**

I am privileged to serve in various capacities at the moment, Vice President of LAZ; Deputy Chair Lands Tribunal, Chairperson of a University Disciplinary Committee, an Audit Committee Member and also Managing the Firm. Outside my professional life, I volunteer in a Cancer Foundation and another Foundation known as Emma's Helping Hands. I also lead our Connection Group for Church. This is loaded and can sometimes be overwhelming. My Work- Life has been achieved by:

1. Planning and setting priorities.

Setting of realistic goals: There is a schedule I have set for work tasks, family time and self-care. I have learned over time to plan for the day or week, as the case maybe. I identify the top priority matters and focus on completing and achieving the top ones. I have learned not to veer away from the set schedule unless it's a matter of necessity and an emergency.

2. Delegation and Shared



Responsibilities: This has been a life saver especially at the Firm. I have been able to score successes because I am out of the office more than half the time attending to meetings and sittings. Delegation of my files, whenever possible to the other Advocates has been a great strength. I am learning not to take in too much work, though sometimes the nature of our work demands that we take in a lot, and work long hours to better serve the Client. I also have a support

network of colleagues that I can rely on.

3. Setting of Boundaries: It is important to set boundaries. One must learn to say No and not feel obligated to take on extra work or social and family commitments that will ultimately interfere with one's wellbeing. I communicate openly with my work peers, this offers a flexible work environment which has enabled me for instance, to serve LAZ and participate in activities even during work hours.

4. Self-care: This is paramount and cannot be overstated. You need to protect your personal time. The body and mind that is not well taken care of, cannot function to its full potential. Burnout is real and affects our mental wellbeing. No matter how busy the week gets, I visit the gym at least 3 times a week, though I am yet to develop the discipline of consistency. When the workload piles up, I easily fall off the fitness wagon. Certain weekends I leave purely left for rest and relaxation so that I can recharge.

TOP TIP:

Trust in God. He gives us the grace and enables us to thrive. There is no you without him.

DORIS CHOMBA TEMBWE

Head Legal and Company Secretary – Standard Chartered Bank Zambia PLC
17 years at the bar

As Moura Nevel Thomas said work-life balance is “equal time or priority to personal and professional activities.” Being in charge of the Legal and Governance Departments at the Bank, I balance my professional and personal activities by:

- 1. Setting clear boundaries:** Work is made easier by setting clear goals at the start of the year for easy monitoring. You need to regularly assess the workload of the Legal and Governance department. At home, once ‘wifey’ and ‘mummy’ roles are working well, the family supports by not interfering! In turn, I reward my family by setting aside time for a special day like Movie times on Fridays and Saturdays. This helps us bond as a family.
- 2. Prioritizing and delegating effectively:** As an Executive, order of priority is important, as well as delegation of the work. Legal matters are not resolved mathematically. Therefore, sense of judgement, urgency and teamwork in view of the strategy helps get the results. With delegation, I free up time to be strategic as well as creating time for personal activities.
- 3. Flexibility and Agility:** I have learnt to incorporate flexibility in my life. Standard Chartered Bank have introduced flexi-hours and this allows me to work from home for two(2) days in a week and three(3) days at the office. The flexi hours allow me to bond with the family whilst working from home.

Legal matters are not resolved mathematically. Therefore, sense of judgement, urgency and teamwork in view of the strategy helps get the results.



- 4. Utilizing Technology Wisely:** With calls to be lean and efficient in the Legal department, the use of technology helps me concentrate on activities that yield results and free up time for personal activities.
- 5. Investing in Self-Care and Setting Aside a Personal Development Plan (PDP):** I block “Me Time” in a week for self-reflection. The “Me Time” allows me to think and review my PDP. I also read motivational books to keep me motivated, and to see if I need to reassess my PDP. I also take long walks on Saturday and Sunday.
- 6. Occasionally seeking feedback and support from the team and at home.** This helps me improve professionally and personally.

TOP TIP:

Be deliberate and intentional about what you want. For instance, If your goal is to be a litigation lawyer, make sure you identify lawyers with good experience in litigation. Engage them and create time to understudy them.



BWALYA CHILESHE CHILALA

Head Legal and Company Secretary – United Bank for Africa Zambia Limited (UBA) - 16 years at the bar.

I have built capacity in my team and therefore, I delegate work to my team members to ensure that I am not overwhelmed. At the beginning of each year I have my leave in advance for the year, and I ensure to take at least one holiday with the family, which helps me to relax away from the work environment and resume work more energised.

Every day at a specific time while at the

office, I make a phone call to my children at home to have a 5 minutes conversation. Basically, just to check on them and to remind myself that in addition to being a career working woman, I am also a mother. As someone once said “Never get so busy making a living that you forget to make a life.”

TOP TIP:

I wish someone had given me when I was a young Lawyer - There are many facets of the Law - identify which one resonates with you and strive to be good at it. I love being an in-house lawyer and therefore, I enjoy going to work every single day, and I am good at it, if I do say so myself.

ERICA CHAKOTA NCHITO

Head Legal and Company Secretary – First National Bank Zambia Limited (FNB Zambia) – 15years at the Bar

I always say, that from my experience, there is no such thing as “balance” or equilibrium between work and life as it all depends on the season you are in for each aspect of your life. In the rare moments that a semblance of balance is attained, I have found that it is short lived. Some seasons have required me to give more to life (e.g. family) and some seasons require putting in a bit more at work (e.g. when setting up a business, building your career, taking up a new or more complex role etc)

That said, the principles I have worked with that help me make the best choices in any given season towards whatever “balance” may look like in different seasons include:

- **Intentionality:** It is important to be intentional on the choices/investments/sacrifices I make of my time in each season of my life. Having realistic and clear goals for my career/work and personal life helps me assess the benefit of any such decision in helping me attain these goals.
- **Flexibility (with boundaries):** For me, carrying work home (yes even in bed) has helped because then I can continue to catch up on my work after I have attended to the needs of my family whilst sacrificing only my sleep when the situation calls for it. This



means ensuring that husband (and older children) appreciates the task at hand and help me attend to the work that has to be done. I have learnt and still learning to set boundaries to give my family full attention when we agree to do that and this calls for healthy boundaries. (Yes, am a recovering workaholic.....). On the other hand, I attend all my children's concerts, PTA meetings etc(you get the picture) and some of these require taking time away from work after engagement with my supervisor and team. So it (flexibility) works both ways for work and life matters with above being the easiest examples I can give.

- **Planning especially for down time:** I am big on my rest, recharge, recovery and holidays and these are well planned out and non-negotiable. I work hard and play hard! Self-care, planning (time management) are very critical!!!
- **Support System:** I believe one of

the big reasons I am able to juggle a number of balls in the air in work and life with a semblance of balance is because of the love and support I get from my husband. He is my rock and has been there in my journey from law school to the Executive role I now hold. He has been a hands-on father to our four children and is an amazing life partner. We love to find every excuse to get away from the hustle and bustle for holidays as often as we can. I have had the privilege of having supportive work colleagues who help me think even when I have had “preggie brains”, who carry some of my work so I can nap or cry; good relationships at work can be life-saving. Our family is always there when we need them, a circle of wise friends who help me process and navigate the various seasons in a safe environment and a God who loves me dearly, never leaves nor forsakes me, refreshes my soul and guides me along the right paths for His name's sake.

TOP TIP:

Make sure you have in your circle, at least 3 people you trust to tell you the truth even when you don't want to hear it and keep those close-that's where growth happens-not from the peo-ple who give empty flattery. Seek to continually grow as you live in your purpose.

ABIGAIL LUNGOWE CHIMUKA

**Abigail & Chama Advocates – Partner
15 years at the Bar**

I understand the textbook definition of work-life balance, where the goal is to find equilibrium between professional responsibilities and personal well-being. But in my experience, achieving this balance isn't always realistic. Time, energy, and resources tend to be directed toward whatever demands the most attention at any given moment. For instance, when I'm working on a high-pressure project or transaction that has a lot at stake, I'll push through, even if it means sacrificing sleep or personal time. But when something personal comes up—like a family emergency or a loved one's illness—I'll be fully present, even if it means stepping away from work.

The truth is, to achieve something truly great or navigate a tough situation, sometimes the idea of work-life balance isn't feasible. For example, in the early stages of a startup, rest and relaxation aren't luxuries you can afford the way someone with an established business might. That said, I do recognize the importance of self-care and the need for balance. It's just that for me, and perhaps for many others, it's about knowing when to fully commit to work and when to shift gears and be there for loved ones and for yourself.

TOP TIP:

Don't feel pressured to fit into a specific box. Spend the first 5 years of your law career exploring various areas of law until you find the one that excites and drives you. Specializing in a niche can set you apart and make your career more fulfilling in the long run.



NAKASAMBA BANDA – CHANDA

**AMW & Co. Legal Practitioners –
Partner | Chairperson – CI Arb, Zambia
| Secretary General - LIAC
11 years at the bar**

One of my best friends always says that work-life balance is a myth. And I agree with her. You can never truly achieve that balance, but the whole point is to keep trying. The opposite would only lead to an overworked, stressed and unhappy life, or, an unambitious stress-free and yet unfulfilled life. Whether you adopt - (i) the perfect 8-8-8 hour day (i.e. 8 hours sleep, 8 hours work and 8 hours of engaging in things that matter to you such as workouts, prayer, family etc); (ii) work 12 hours a day and take Friday off; or (iii) work tirelessly for 9 months and then take a 3 months break; the point is that overtime, it should somewhat ultimately balance itself out.

I must add, that this is not something you figure out from the start. It has taken me 10 years of my career and I'm still working at it daily. Here are some of my tips for how I work towards that balance;



- (i) I spend at least an hour every Sunday evening preparing for my week, highlighting red-list items that are a priority and must get done, and green-list items that simply require to be done but my life doesn't depend on them. This exercise is repeated for 15 minutes at the beginning of each day. That means at any given point, I have a goal that I need to achieve and it is easy to avoid the interruptions. Even if I have 1 item on my list or 15, my day is successful

when I have actually ticked them all off.

- (ii) I don't spring out of bed like a chicken and get excited to start my stressful day. Most times, I drag myself out, get into my running shoes and start my day. Ultimately, motivation is fleeting, discipline will serve you more.

- (iii) I follow James Clear's principles with regards "Atomic Habits." That means making it easy to comply with the right habits. e.g, by signing up for a gym class at 6pm, at a location that is not out of my way. This it allows me to leave the office at a specific time rather than work late hours. So I have no excuse to by-pass the gym because it is right in my face, and I finally get home in time for dinner and bedtime routines with my kids. That's a whole work-life balanced in a day.

Ultimately, I have found that creating and complying with routines that include the things that matter to me creates that balance.

TOP TIP:

Have the audacity.....Occupy space.

THAT TIME OF THE MONTH? ALL YOU NEED TO KNOW ABOUT MOTHER'S DAY AND MORE!

By Chibowa Moses Bwalya, Legal Counsel, Yango Limited

Did you know that a female employee is entitled to over a month's worth of paid leave days every year? How does this work? Well, it is leave so it means you don't work (cue the drums: "ba-dum-tss"). On a serious note though, the law gives female employees a total of **36 paid leave days every year**. This is how it works...

(a) Annual leave days

Under section 36(1) of the Employment Code Act No. 3 of 2019 ("ECA"), An employee (other than a temporary or casual employee) who remains in continuous employment with the same employer for a period of 12 consecutive months is entitled to annual leave on full pay at a rate of at least 2 days per month. This means that if you are not a 'temp' or a 'casual' employee, you are legally entitled to 24 days paid leave every year. This applies to various types of employment contracts, including fixed term contracts and permanent and pensionable contracts.

However, annual leave only gives a woman 24 days of paid leave in the year. So where are the other 12 days coming from, you might ask?



(b) Women's special leave days

Under section 47 of the ECA the law provides that a female employee is entitled to one day's absence from work each month, without having to produce a medical certificate or give a reason to the employer. This means that a female employee is entitled to a total of 12 days of paid leave annually, in addition to the 24 annual paid leave days given to all

employees. This leave is usually referred to as "Mother's day."

(N.B. Mother's day is specific to each month and does not accrue in the same manner as annual leave days. It is not convertible into cash as the case referenced later in this article determined.)

Combining these 2 types of leave days,



female employees are legally entitled to a total of 36 days of paid leave each year.

(c) Questions for the Women

Having established that female employees have over a month's worth of paid leave, ask yourself the following questions:

- ✓ Does your employer allow or encourage you to take mother's day? (If so, when was the last time you took it?)
- ✓ Do you ever have to skip mother's day due to an excessive workload or a "crucial deadline"? (side note: why are all deadlines crucial? The boss rarely reads the work right away anyway 😊)
- ✓ Does your employer ever ask you to produce a sick note after you take mother's day? That's illegal!
- ✓ Does your employer give you the cold shoulder treatment when you return to the office after taking mother's day? They shouldn't do

this and you are free to inform HR.

- ✓ Did your boss ever try to reduce your pay for taking mother's day? (For their sake, I hope not!)

Now, we all know that the realities of the workplace and life may not always make it convenient or possible for you to take mother's day when that time of the month comes, but that's the beauty of the law on this topic. You do not need to explain yourself. You do not need to provide a sick note or a reason. You do not even have to give prior notice, strictly speaking. But please, for the sake of peace and order, give your employer notice either the day before or the morning of, depending on the terms of your contract of employment or Company Policy.

You can take that special day off every month, whenever you decide. The power is in your hands, ladies!

Conclusion

The spirit and intention of the law as

provided in the ECA was clearly to cater for the circumstances that women face while in the work place. The importance of mother's day is therefore, settled in Zambia. In the case of **Reuben Kaunda and Belina Chanda vs. Octopus Security Services** (Comp No. IRCLK/161/2022) the Honourable Lady Justice M. S. Ngoma stated obiter:

'That a female employee is entitled to one day's absence from work each month without having to produce a medical certificate or give reason to the employer cannot be debated.'
 [Emphasis own]

The law in this article shows that mother's day is an entitlement and not a favour done for women by their employers. So it is a woman's right to take this day off each month whenever they need to. This unqualified right to a day off every month needs no explanation or justification. Women do not "owe it" to their employer to appear at the office when they need to take this day off. They should not feel coerced or pressured into not exercising this legal right due to hostility in the workplace, whether overt or covert.

So, ladies, when that time of the month comes, you need not feel any sense of shame, embarrassment or guilt for your womanhood, explaining why you need time off. You are not slacking off or being unproductive. As a matter of fact, by prioritizing your well-being you will be more effective in the workplace.

Take your mother's day. Prioritize your well-being. Happy Women's Month!

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LAZ ACTIVITIES LATELY...

LUSAKA ARBITRATION WEEK 2025: A LANDMARK EVENT PROPELLING ZAMBIA'S ADR FOOTPRINT

By Kadija Sidibe, LIAC

Lusaka, Zambia – Lusaka Arbitration Week 2025 (LAW2025) hosted by the Chartered Institute of Arbitrators Zambia Branch and the Lusaka International Arbitration Centre (LIAC) has concluded. It has no doubt left an indelible mark on the African arbitration landscape and solidifying Lusaka's burgeoning reputation as a hub for alternative dispute resolution (ADR). The four-day event, held from February 25th to 28th, 2025, successfully convened a diverse group of professionals, policymakers, and international arbitration experts, fostering collaboration and driving discussions on the future of alternative dispute resolution. Under the overarching theme, "Exploring New Frontiers in Alternative Dispute Resolution," LAW2025 served as a platform for in-depth dialogue and networking, exceeding initial expectations in both attendance and impact.

The week commenced with an innovative approach to networking, combining professional engagement with leisure. The LAW2025 Golf Tournament, sponsored by AMW Legal Practitioners, held at Bonanza Golf Course provided a unique setting for delegates to connect.

The formal opening on February 26th at the Intercontinental Hotel, witnessed an impressive turnout, surpassing the anticipated 150 attendees and exceeding 200, with a quarter of the said delegates being international. The presence of Honourable Dr Mumba Malila, SC, Chief Justice of the Republic of Zambia as the guest of honour, signalled the significance of the event and the commitment of the Judiciary to ADR. Notable attendees included the Attorney General of Malawi, Honourable Thabo Chakaka Nyirenda and the CIArb Africa Trustee, Dr Chikwendu Madumere, Ph.D, reinforcing the event's regional influence. Mrs Nakasamba Banda Chanda, Chairperson of CIArb Zambia, delivered the opening address, setting the stage for a compelling keynote by Professor Mohammed Abdel Wahab, President of CIArb



Global. The subsequent welcome cocktail reception provided a relaxed atmosphere for delegates to forge new connections and exchange ideas.

LAW2025's program was rich in content, featuring expert-led workshops and panel discussions that explored the latest trends in ADR. The Young Members Group (YMG) Moot Competition, featuring teams from leading Zambian universities, showcased the talent of the next generation of arbitrators. Cavendish University emerged victorious, demonstrating exceptional advocacy skills. Site tours of key institutions, including LIAC, provided delegates with valuable insights into Zambia's arbitration infrastructure.

The week culminated in a grand gala dinner on February 28th, celebrating achievements in ADR and recognizing outstanding contributions. The YMG Moot winners were among those honoured, providing a fitting conclusion to a week of fruitful engagement. The success of LAW2025 was underpinned by the generous support of numerous sponsors and partners. Gold sponsors DLA Piper, Chibesakunda and Co. and Mulenga

Mundashi Legal Practitioners, along with copper sponsors First Quantum Minerals, B and M Legal Practitioners, Kaumbu Mwendela Legal Practitioners and Eden University, played pivotal roles. Silver sponsors, including Liquid Intelligent Technologies, Nawa Mataa Advocates, HLB, Invictus Hill, Corpus Legal Practitioners, Equitas Legal Practitioners, TM Legal Practitioners, May and Company and Nchito and Nchito Advocates further contributed to the event's success. Key partnerships with Jus Mundi, Puzzlepie Event Engineering, CIArb Kenya Branch, Kigali International Arbitration Centre, Law Association of Zambia and Africa Arbitration Association broadened the event's reach and impact.

LAW2025 has effectively positioned Lusaka as a rising star in the African arbitration landscape, fostering unity and collaboration among ADR practitioners. The event's success signifies Zambia's commitment to advancing ADR and contributing to a more efficient and accessible legal framework within the region.

LAZ HOSTS GOVERNANCE FORUM

By Gloria Mumba-Kalambo - LAZ Communications Officer

On 7th February 2025, the Law Association of Zambia (LAZ) successfully hosted the first edition of the LAZ Governance Forum at the Mulungushi International Conference Centre in Lusaka. Designed as a bi-monthly platform for dialogue, the Forum aims to facilitate discussions on critical national and public interest matters. The inaugural session focused on the theme: "Democracy and Freedom of Expression in Zambia: What Next After the UN Special Rapporteur?" and featured the PANOS Institute Southern Africa as a key participant.

The event attracted engagement from various Civil Society Organizations (CSOs), including the Jesuit Centre for Theological Reflection (JCTR), Transparency International Zambia (TI-Z), the Centre for Trade Policy and Development (CTPD), and MiSA Zambia Chapter. The LAZ President, Mr. Lungisani Zulu led the discussions, and emphasised the importance of open dialogue in strengthening Zambia's democratic governance. The event also garnered significant media coverage, with representatives from mainstream media outlets in attendance.

The LAZ Governance Forum will continue to serve as a platform for meaningful discourse, bringing together key stakeholders to address pressing governance issues in Zambia.



HON. MR. JUSTICE EVANS MWEEMBANI HAMAUNDU RETIRES

By Gloria Mumba-Kalambo – LAZ Communications Officer

On Thursday, 16th January 2025, a special court session was held to honour the retirement of Hon. Mr. Justice Evans Mweembani Hamaundu, former Judge of the Supreme Court of Zambia. The session coincided with Justice Hamaundu's 65th birthday, and the day he was appointed as Supreme Court Judge, marking the culmination of his distinguished career in the judiciary.

Convened by the Chief Justice, Hon. Dr. Justice Mumba Malila, S.C, the ceremony was attended by several dignitaries, including: former Chief Justice Ernest Sakala; High Court Judges; the Minister of Foreign Affairs and International Cooperation - Hon. Mulambo Haimbe, S.C, MP; the President and Members of the Law Association of Zambia (LAZ), and Justice Hamaundu's beloved family.

Chief Justice Hon. Dr. Justice Mumba Malila, S.C, lauded Justice Hamaundu's unwavering commitment to upholding the rule of law, stating that his work had significantly influenced Zambia's judicial systems and proceedings. He highlighted Justice Hamaundu's humility and impartiality in carrying out his judicial duties and encouraged him to consider taking on advisory or consultancy roles to contribute to the country's governance and the rule of law. The Chief Justice extended his best wishes for a joyful and well-deserved retirement.

In his remarks, LAZ President Mr. Lungisani Zulu described retired Hon. Justice Hamaundu as a "true justice hunter" whose contributions and

professional conduct have left an indelible mark on Zambia's legal landscape. He praised Justice Hamaundu's humility, respectfulness, and collaboration with the Bar in ensuring the attainment of justice, emphasising that the legal profession remains proud of the service he has rendered to the justice system.

In his farewell remarks, Hon. Mr. Justice Hamaundu expressed gratitude for his fulfilling career at the Bench, stating

that he retires as a "completely satisfied Judge." He reflected on the meaningful interactions he had with members of the Bar and the Bench, noting that these relationships will be greatly missed.

The special session celebrated not only Justice Hamaundu's career achievements, but also his enduring legacy of professionalism, humility, and dedication to justice.



KUDOS TO THE DIRECTOR OF PUBLIC PROSECUTIONS (DPP): CRIMINAL LAW MUST NOT BE ABUSED TO PERSECUTE POLITICAL OPPONENTS OR THOSE WITH DIVERGENT VIEWS

On 22nd January 2025, the Law Association of Zambia (LAZ) commended the Director of Public Prosecutions (DPP), Mr. Gilbert Phiri SC, for his decision not to recommend the prosecution of opposition political figures arrested during the recent Kawambwa by-elections. LAZ noted that the decision was in the public interest, given the absence of credible evidence against Mumbi Phiri, Jean Chisenga Ng'andwe, Peter Chanda, and Celestine Mukandila. It read in part that "The stance taken by the Director of Public Prosecutions is important in ensuring that criminal prosecutions are not abused

LAZ further urged the Zambia Police and other law enforcement agencies to emulate the DPP and refrain from using criminal law to settle political scores.



for political reasons." The Association also emphasised that this move sets a precedent in discouraging the misuse of the criminal justice system to silence critics of the government.

LAZ further urged the Zambia Police and other law enforcement agencies to emulate the DPP and refrain from using criminal law to settle political scores. "For a long time, the Zambia Police has been used by successive governments as a weapon to silence those critical of the President

or the Government," LAZ observed. The Association reaffirmed its commitment to defending human rights and welcomed the visit of UN Special Rapporteur on freedom of opinion and expression, Irene Khan, who was in Zambia from 20 to 31 January 2025. LAZ expressed hope that her visit would provide an opportunity to reassess the country's legal and policy framework, particularly regarding press freedom and the protection of journalists and human rights defenders.

GOVERNMENT MUST TAKE URGENT STEPS TO ADDRESS THE PERSISTENT CHALLENGES WITH THE ZILAS LANDS ADMINISTRATION SYSTEM WHICH HAVE NEGATIVELY IMPACTED LAND ADMINISTRATION AND SLOWED DOWN COMMERCE IN ZAMBIA



On 3rd March 2025, the Law Association of Zambia (LAZ) issued a Press Statement on the developments surrounding the persistent challenges with the Zambia Integrated Land Administration System (ZILAS) which is the new electronic land administration system at the Ministry of Lands and Natural Resources. LAZ lamented that the new system has proven to be unsatisfactory and is fraught with persistent challenges and down times. The Statement read in part as follows:

“While the introduction of the ZILAS System on 17th May 2023 was laudable, aimed at enhancing efficiency, effectiveness, productivity, accountability and transparency and thus bringing Government services closer to the people, the new system has proved unsatisfactory..... An unpredictable and

unstable electronic land administration system has the potential to prejudice the property rights of citizens, which rights are guaranteed under the Constitution. Such a system also negatively affects commerce considering that Banks and financial institutions are not able to timely disburse loans to businesses on account of failure to register mortgages and other security obligations.”

LAZ called on the Government to urgently find a lasting solution to the persistent challenges with the ZILAS System, and in the interim to implement viable alternative arrangements, to prevent further irreparable prejudice to the business community, legal profession and ordinary citizens who interact with the system.

KASAMA HIGH COURT CRIMINAL SESSION - NORTHERN PROVINCE

By Sola Kandeke, Legal Aid Counsel – Mbala

On 6th January 2025, the people of Kasama district joined the rest of the country in commemorating the ceremonial opening of the Kasama High Court Criminal Session whose theme was “Exploring and employing Alternative Dispute Resolution mechanisms in Criminal cases as a tool to counter delays in the delivery of justice.” Special recognition should be made of the attendance of the His Royal Highness the Paramount Chief of the Bemba speaking people Chitimukulu Kanyanta Manga II; the Director of Public Prosecutions, Mr. Gilbert Phiri, S.C; Her Worship the Mayor of Kasama, Ms. Theresa Kolala; and the Hon. Member of Parliament for Mpulungu Constituency, Mr. Leonard Mbao, MP.



From Right to Left – The DPP Mr. Gilbert Phiri, SC, Paramount Chief Chitimukulu, Her Workshop the Mayor of Kasama Ms. Kolala and Hon. Leonard Mbao, MP. Photo credit to Judith Kapaza

Following the official opening of the session, the event was directed by a female Constable, Mulima Nalishebo from the Zambia Police Service.



Standing Centre – Woman Constable Mulima Nalishebo

As per tradition, a guard of honour was mounted by the Zambia Police Service, Zambia Correctional Service, Zambia National Service Band from Kabwe, which was inspected by His Lordship the Judge in Charge at Kasama High Court, Hon. Mr. Justice Matthew L. Zulu. This was preceded by his presiding over a brief criminal session which included a cause list with an assortment of cases scheduled for the month of January 2025. Appearing for the State, alongside the learned DPP was Ms. Natasha Victoria Mwelwa. On the other side of the bar were Counsel from the Legal Aid Board represented by the very competent advocates Ms. Joyce Chapinda and Ms. Cecilia Nasilele Mubita.



From Left to Right: Counsel Ms. Mubita and Ms. Chapinda

The session was graced by the presence of legal practitioners from both private practice and quasi-governmental institutions. The event was a huge success setting the tone for expedient dispensation of justice in the province.

LAZ HOSTS CONTINUOUS PROFESSIONAL DEVELOPMENT WORKSHOP IN SOLWEZI

By Gloria Mumba-Kalambo - LAZ Communications Officer

The **Law Association of Zambia (LAZ)** reaffirmed its commitment to strengthening legal practice and justice delivery through its **inaugural Continuous Professional Development (CPD) workshop** held on **Friday, 28th February 2025**, at **Floriania Lodge** in **Solwezi**, North Western Province. The workshop was officially opened by **Hon. Mr. Justice Obbister Musukwa** Judge in Charge Solwezi High Court, in the company of **Hon. Mambwe Munkonde** Principal Resident Magistrate Solwezi, **Hon. Chanda Muma** Resident Magistrate Solwezi, **Hon. Sarah Mafuta** Magistrate Solwezi Subordinate Court, and LAZ Council Member **Mrs. Martha Kashala Tembo**.

Hon. Mr. Justice Obbister Musukwa Judge in Charge Solwezi High Court, in his official opening remarks, emphasised the crucial role of **continuous legal education** in ensuring a more efficient justice system. "Legal education is dynamic, and ongoing training allows advocates to sharpen their skills, ultimately leading to improved justice delivery," he stated. He urged **LAZ to hold such workshops frequently** to equip legal practitioners with the necessary knowledge and competencies to serve the public effectively. The Judge further highlighted the **rising number of criminal cases** in North-Western Province, which has contributed to severe **prison congestion**. As of **January 2025**, the province had **960 inmates**, with numbers steadily increasing, stressing that **embracing and actualizing Alternative Dispute Resolution methods within the justice system could help reduce congestion in correctional facilities** and serve as an essential tool for resolving disputes efficiently. "We look forward to the practical implementation of



ADR to improve our justice system," he added. Speaking at the same event, **LAZ Council Member Martha Kashala Tembo** reiterated the importance of continuous professional improvement in ensuring that advocates remain committed to the needs of the public.

The workshop covered key topics, including; **LAZ Membership and Pro Bono Policy** – Reinforcing the responsibility of advocates in providing legal aid to underprivileged individuals; **Alternative Dispute Resolution (ADR)** – Promoting ADR as an efficient mechanism for reducing case backlogs; and **Recent Legal Reforms** – Ensuring that practitioners stay informed about developments in the legal landscape, among others.

BRINGING JUSTICE TO THE DOORSTEPS OF INMATES: ZAMBIA LAUNCHES MOBILE COURTS

By Gloria Mumba-Kalambo - LAZ- Communications Officer

In a bold move to make justice more accessible, Zambia officially launched Mobile Courts—a groundbreaking initiative that brings court proceedings directly into correctional facilities. This historic step, supported by the Irish Government through the Embassy of Ireland, aims to decongest prisons, speed up case processing, and ensure that inmates, especially those on remand, receive fair and timely hearings. Inspired by a successful model in Malawi, the Mobile Courts will allow magistrates and judges to review cases, grant bail, and update court records within the facilities, bridging a long-standing gap in the justice system.

Speaking on behalf of the Chief Justice, Hon. Mr. Justice Charles Zulu, Judge-in-Charge of the High Court (General List), emphasised that the Mobile Courts will address long-standing challenges in the justice system, particularly the delayed processing of cases for remandees. “Some of the inmates are mere remandees who are still undergoing court trials. In many cases, some face bailable offenses but lack legal knowledge or representation to apply for bail,” he stated. The initiative will bring magistrates and judges directly into correctional facilities to conduct specific court processes, such as bail hearings and case reviews, ensuring that justice is accessible and efficient. The Mobile Courts project stems from a collaboration between the Zambian Judiciary, the National Prosecution Authority, the Legal Aid Board, and the Zambia Correctional Services, with technical and financial support from the Irish Rule of Law International.

The project's pilot phase will initially focus on Lusaka, Kabwe, and parts of



the Copperbelt, allowing stakeholders to assess its impact before a nationwide rollout. Justice Zulu highlighted that this approach aligns with Zambia's constitutional commitment to fairness and due process. “Every accused person is innocent until proven guilty. This is an opportunity to assure inmates that they are neither condemned nor forgotten,” he stated.

The launch of Mobile Courts coincided with the World Day of Social Justice, underscoring Zambia's dedication to promoting equal access to justice. As the Judiciary and legal community work toward full implementation, LAZ remains a key stakeholder in advancing reforms that uphold the rule of law and human rights.

REMEMBERING THE SOULS OF OUR DEPARTED MEMBERS

Mr. Norman Sampa

The late Mr. Norman Sampa (of Norman Sampa Advocates), passed away unexpectedly on 6th February 2025. He was a distinguished Member of the Zambian Bar, and was put to rest on 11th February 2025, at Memorial Park Cemetery in Lusaka. During his valedictory session, the Law Association of Zambia (LAZ) President, Mr. Lungisani Zulu, expressed pride in the legacy of Mr. Sampa, describing him as a true teacher of the law who remained humble and dedicated to the well-being of those around him. Mr. Zulu highlighted Mr. Sampa's expertise in Alternative Dispute Resolution (ADR) and stated that his absence will be deeply felt within the legal community.

May His Soul Rest in Eternal Peace.



Justice Christine B. Phiri RTD

The late Hon. Justice Christine B. Phiri (retired), died on 23rd February 2025. She was put to rest on Friday, 28th February 2025 at Leopard's Hill Memorial Park.



THE LAW ASSOCIATION OF ZAMBIA CLIMATE CHANGE STATEMENT

Noting that on the 9th of December 2016, the Republic of Zambia ratified the Paris Agreement to the United Nations Framework Convention on Climate Change whose objective is to hold the increase in global warming to “well below 2°C” and to pursue efforts to limit the increase to 1.5°C above pre-industrial levels;

Recognising the consensus within the scientific community that climate change poses an urgent and existential threat to human and animal life on the planet;

Accepting the climate science reports including the work and findings of the Intergovernmental Panel on Climate Change that climate change is anthropogenic and that substantial and immediate and long-term actions are required to mitigate its impacts;

Recognising that the impacts of climate change has disproportionately negative effects on those who have least contributed to it and particularly the poor living in developing countries;

Recognising the urgent need to address the interrelated crises of biodiversity loss and climate change together;

Acknowledging the fundamental role historically played by lawyers in influencing positive change in society, through law reform including by supporting their clients and their employers and that such influence can be leveraged in addressing climate change;

Cognisant of the mandate of the Law Association of Zambia under section 4 of its founding statute, the Law Association of Zambia, Chapter 31 of the Laws of Zambia, to use the instrument of the law to further the growth of society and that this role cannot be fully and effectively discharged

without regard to the existential threat posed by climate change.

Recognising the essential role of the legal profession in the advancement of the rule of law, human rights and the promotion of access to justice, which are vital elements in the growth of society but are threatened by the impacts of climate change;

Acknowledging the growing expectations for lawyers to play a leading role not only in upholding the rule of law but also in supporting responsible and enlightened governance in an era of climate change;

Mindful that lawyers are required to act in accordance with professional conduct rules of their jurisdiction, including upholding their clients' interests as reflected in their respective Bar Associations rules;

Noting the International Bar Association's Climate Crisis Statement made on the 5th of May 2020:

Resolves to:

1. Urge lawyers, while acting in accordance with the prescribed rules of professional conduct and upholding the rule of law, to take an active climate conscious approach to matters arising in the course of their daily law practice by inter alia:
 - 1.1. having regard to the likely impact of any dispute or matter arising in law practice on climate change;
 - 1.2. undertaking climate-related dispute resolution including through litigation and alternative dispute resolution mechanisms such as negotiation, mediation and arbitration on behalf of the poor and vulnerable who are most negatively affected by impacts

of climate change and to endeavour where possible, to do so on a pro-bono or reduced fee basis in order to ensure affordable access to justice for those so affected;

- 1.3. advising corporate clients on the advantages of voluntary disclosure of the climate-related risks associated with their business operations (including supply chains) and encouraging them to disclose the said risks in their reports to regulators, investors and other relevant stakeholders at every stage of their operations including assessment, monitoring, management and mitigation of such risks;
- 1.4. further advising corporate clients on:
 - a) the potential risk and liability as well as reputational damage that may be caused by business activities that have a negative contribution to climate change; and
 - b) how they can contribute to addressing climate change while pursuing their business objectives.
- 1.5. engaging with current and future national law development and policy making efforts for addressing climate change, the protection of human rights of those most affected by it and the implementation of rules and policies in accordance with the climate commitments made under international treaties and domestic law;
- 1.6. advancing legal education and building capacity within their law firms on climate-related matters in recognition of the inescapable effects

of climate change on law practice;

- 1.7. adopting practical steps where possible, to reduce the environmental impact of their law practice and implement measures which support positive change in the work place and mitigate their contribution to climate change including; adoption of sustainable practices such as placing greater reliance on electronic storage of files, maintaining an energy-efficient office infrastructure, use of digital technology and making climate-friendly travel and procurement choices; and
- 1.8. reporting on efforts made to combat climate change and the outcomes of such efforts.

Resolves further to:

2. Support the work of the Law Association of Zambia Task Force on Climate Change and to encourage lawyers and law firms to actively engage with the programs and activities of the Task Force to entrench climate competence lawyering;
3. Support at the international level, the recommendation of the International Bar Association (IBA) as contained in the IBA report on 'Achieving Justice and Human Rights in an Era of Climate Disruption' for the creation of an international ad hoc arbitral body specifically for environmental litigation and eventual establishment of an International Court for the Environment;
4. Support at the national level, the establishment of a special environmental court as a means of strengthening environmental and climate protection and enhancing access to environmental justice;
5. Encourage lawyers and law firms to engage with law schools and other institutions of higher learning on the subject of climate change and its impacts on human rights and with the development of career paths for lawyers interested in pursuing

climate change-related disciplines or enhancing practice areas by prioritising ways in which their law practice can promote climate-related aspects such as Environmental and Social Governance standards, clean energy, sustainable finance law, etc.;

6. Encourage development of practical educational tools for qualified lawyers to use in continuing their legal education in climate change and environmental law;
7. Support the business community and the Government through the Ministry of Green Economy and Environment in green initiatives and climate change interventions including development of supportive legal framework.
8. Collaborate with all similarly minded stakeholders towards the climate change agenda and green initiatives; and
9. promote legal innovation to impact investors, donors and environmental funders with the view to encouraging them to further engage with and address climate change by providing support to social and environmental entrepreneurs.
10. encourage lawyers and their clients to take stock of their carbon footprint, reduce their own operational carbon emissions in line with the country's nationally determined contribution targets, and report on progress.
11. engage with climate change-related legislative, regulatory and policy reforms.
12. develop education tools or guidance to support solicitors to consider the likely impact of that matter on the climate, in a way which is compatible with lawyers' professional duties and the administration of justice.
13. urge law firms and organisations that support the legal industry to operate in a way that aligns with the temperature goals of the Paris Agreement, for example, by adopting

science-based targets, adopting measure to reduce the environmental impact of their business, and reporting publicly on progress.

14. urge lawyers (in a way which is compatible with their professional duties and administration of justice), to advise clients on: how they can achieve their objectives in ways which mitigate the effects of the climate crisis and promote climate adaptation; and potential legal risks and liabilities that may arise if they negatively contribute to the climate crisis.
15. encourage lawyers to do all they can to address the causes and consequences of the climate and ecological crises and to advance a just transition to a low emissions future.
16. support the government to take specific actions to address climate change, including, for example, developing and implementing mandatory greenhouse gas emission reduction regulations and carbon pricing; ensuring the realisation of human rights including the rights to effectively implementing and reviewing relevant laws that aim to protect ecosystems and re-store biodiversity; committing to promote protection of environmental human rights and other human rights; empowering vulnerable groups to actively participate in climate and environmental decision-making processes; support the just transition of workers, small and medium businesses, and communities; and promoting circular economy practices.
17. support the legislature, judiciary and transnational corporations to take steps that comply with the United Nations Guiding Principles on Business and Human Rights.

11th October, 2024

The Law Association of Zambia

LAZ ACTIVITIES IN PICTURES

LAZ Newsletter Editorial Team having a Breakfast brainstorming session



Lusaka Arbitration Week



LAZ ACTIVITIES IN PICTURES

Ceremonial Opening of the High Court criminal sessions



Launch of Mobile Courts in Zambia



Uniform Day at LAZ House



20 years celebration at the Writ!



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

Zambia Association of Women Judges Dinner Dance

Date: 14th March 2025

Venue: Taj Pamodzi Hotel

Pan African Lawyers Union (PALU) 2025 Annual Conference

Dates: 25 – 27 June 2025

Venue: Abidjan, Côte d'Ivoire

25th SADC LAWYERS' Conference 2025

Dates: 30th July – 01st August 2025

Venue: Maputo, Mozambique

Theme: "Achieving social justice - reducing the gap between poverty and human dignity through access to justice"

The LAZ Law Conference and AGM

Dates: 22nd to 26th April 2025

Venue: Avani Resort, Livingstone

LOOK OUT FOR THE NEXT EDITION!

- ▶ The Road to Silk (Part 2)
- ▶ All you need to know about the cyber laws
- ▶ The Phenomenal Journey of Hon.Madam Justice Lombe Chibesakunda
- ▶ Taxes for Law Firms
- ▶ Mpanga Ya Mambwe Satire – Confession

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

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