



REPUBLIC OF ZAMBIA



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STATEMENT

BY

**HIS EXCELLENCY MR. MICHAEL CHILUFYA SATA
PRESIDENT OF THE REPUBLIC OF ZAMBIA**

**ON THE RULE OF LAW
NEWYORK, 24TH SEPTEMBER, 2012**

**NEW YORK
SEPTEMBER, 2012**

- YOUR EXCELLENCY, MR. VUK JEREMIC, PRESIDENT OF THE 67TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY;
- YOUR EXCELLENCY, MR. BAN KI-MOON, SECRETARY-GENERAL OF THE UNITED NATIONS;
- YOUR EXCELLENCIES, HEADS OF STATE AND GOVERNMENTS;
- DISTINGUISHED PARTICIPANTS;
- LADIES AND GENTLEMEN;

I AM PLEASED TO BE A GUEST IN THIS HISTORIC AND WELCOMING CITY, AND IN PARTICULAR TO THIS AUSPICIOUS OCCASION, WHICH REFLECTS ON AN IMPORTANT AND TIMELY SUBJECT, NAMELY "THE RULE OF LAW".

SINCE ITS INCEPTION IN 1945, THE UNITED NATIONS HAS BEEN INFLUENTIAL IN SUPPORTING THE RULE OF LAW ACROSS THE WORLD.

IT HAS HELPED IN CREATING A FORUM WHERE THE UNIVERSAL STANDARDS FOR A BASIC FUNCTIONING LEGAL SYSTEM HAVE BEEN SUCCESSFULLY ARTICULATED.

WHILST SOME OF THE DEVELOPING COUNTRIES HAVE ADOPTED LAWS EMANATING FROM THE COLONIAL PERIOD, IT IS TRUE THAT MOST OF THE RESULTANT JUSTICE SYSTEMS ARE IN HARMONY WITH GENERAL TENETS OF THE RULE OF LAW.

AMONGST THEM IS THE NON-DISCRIMINATORY CHARACTER OF LAW, OR THE RIGHT TO A FAIR HEARING. TODAY, THE CONCEPT HAS EVOLVED FURTHER TO REQUIRE THAT IN THE APPLICATION OF PENAL RULES TOWARDS OFFENDERS, THERE MUST NOT BE ANY DEROGATION OF THEIR BASIC HUMAN DIGNITY. IN THIS REGARD, THE PROHIBITION OF THE USE OF TORTURE AS A MEANS OF EXTRACTING A CONFESSION IS A PRINCIPLE THAT ENJOYS UNIVERSAL ACCEPTANCE.

THE ADAGE THAT IT IS MORE DIFFICULT TO BUILD THAN TO DESTROY IS PARTICULARLY TRUE FOR THE RULE OF LAW. THIS THEN NECESSITATES THE NEED FOR A SOLID FOUNDATION UPON WHICH NATIONAL LEGAL SYSTEMS SHOULD REST. PUBLIC CONFIDENCE IN A LEGAL SYSTEM IS PARAMOUNT AND THE POPULATION NEEDS TO FEEL THAT THE LAW IS WORKING FOR THE COMMON GOOD.

MR. PRESIDENT,

BEFORE REITERATING THE IMPORTANCE OF RULE OF LAW IN THE INTERNATIONAL CONTEXT, ALLOW ME TO HIGHLIGHT SOME PRACTICAL IMPEDIMENTS OF ENHANCING THIS PRINCIPLE IN DEVELOPING COUNTRIES SUCH AS ZAMBIA. ONE MAJOR CHALLENGE IS THAT OF ACCESSING JUSTICE AMIDST THE POVERTY THAT AFFLICTS MANY OF OUR PEOPLE. IN THIS CONTEXT, IT SELDOM HAPPENS THAT JUSTICE COMES WITH AN AFFORDABLE PRICE TAG.

AGAINST THIS BACKGROUND, MANY THEREFORE OPT FOR ALTERNATIVE AND OFTEN EXTRA-JUDICIAL MEANS OF SEEKING REMEDY OR PROTECTION. CLOSELY RELATED TO THIS IS THE MISCHIEF WHERE THOSE WITH MONEY AND POWER ABUSE IT BY OFFERING CORRUPT INDUCEMENTS IN ORDER TO PERVERT THE COURSE OF JUSTICE.

I AM THEREFORE PLEASED TO STATE THAT SINCE MY GOVERNMENT ASSUMED POWER A YEAR AGO, ZAMBIANS HAVE EMBRACED A REINVIGORATED PROGRAMME TO PROMOTE RESPECT FOR THE RULE OF LAW BY FIGHTING VICES SUCH AS CORRUPTION. GOVERNMENT, ON ITS PART IS IMPLEMENTING A ROBUST ANTI-CORRUPTION CRUSADE, WHICH HAS SIGNIFICANTLY HELPED IN RESTORING CONFIDENCE IN THE GOVERNANCE SYSTEM.

GOVERNMENT HAS FURTHER UNDERTAKEN EDUCATIONAL PROGRAMMES TO SENSITISE THE PUBLIC ON THE IMPORTANCE OF REPORTING CORRUPTION AND RELATED VICES.

MR. PRESIDENT,

THE ZAMBIAN PARLIAMENT HAS ALSO BEEN ACTIVE IN PUSHING LEGISLATIVE MEASURES SUCH AS THE REINTRODUCTION OF THE OFFENCE OF ABUSE OF OFFICE UNDER THE ANTI-CORRUPTION ACT OF 2012. ANOTHER EXAMPLE IS THE ENACTMENT OF ANTI-GENDER BASED VIOLENCE LAWS TO PROTECT OUR WOMEN SO THAT THEY CAN EFFECTIVELY CONTRIBUTE TO DEVELOPMENT WITHOUT FEAR OR VICTIMIZATION.

FROM THE JUDICIAL PERSPECTIVE, MEASURES SUCH AS THE CREATION OF THE SMALL CLAIMS COURT ARE PROVING TO BE ESSENTIAL IN FOSTERING THE RULE OF LAW BY OFFERING A MORE AFFORDABLE AND QUICKER AVENUE FOR THE DISPENSATION OF JUSTICE, AS CLAIMANTS NEED NOT HIRE LEGAL REPRESENTATION, BUT CAN INSTEAD PURSUE THEIR CLAIMS IN PERSON.

FURTHERMORE, MY GOVERNMENT HAS CONTINUED TO SUPPORT THE HUMAN RIGHTS COMMISSION OF ZAMBIA IN THE COMMISSION'S ROLE OF PROVIDING OVERSIGHT OVER GOVERNMENT AND OTHER PARTIES IN THE REALM OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIVIDUALS.

HERE, LET ME ALSO MENTION THAT ZAMBIA IS PRESENTLY UNDERTAKING A CONSTITUTIONAL REVIEW PROCESS UNDER THE GUIDANCE OF A TECHNICAL REVIEW COMMITTEE, WHICH AIMS TO ONCE AGAIN GIVE DIGNITY TO THE INDIVIDUALS BY GUARANTEEING LIBERTY.

THIS PROCESS ALSO AIMS TO ENSURE A DEMOCRATIC GOVERNANCE SYSTEM WITH EFFICIENT, STRONG AND INDEPENDENT STRUCTURES ENDOWED WITH OVERSIGHT FUNCTIONS. THIS IS THE LEGACY WE HOPE TO CREATE AND PASS ON.

7

I AM, BY NO MEANS, IMPLYING THAT THESE VALUES WERE PREVIOUSLY UNKNOWN TO OUR PEOPLE. INDEED, IF IT WAS NOT FOR THE ZAMBIAN PEOPLE'S VIGILANCE AND CIVIC AWARENESS MY ELECTION THROUGH THE BALLOT BOX MAY NOT HAVE BEEN GUARANTEED.

AS A MATTER OF EMPHASIS, MY GOVERNMENT HAS BROUGHT RENEWED ENERGY IN CONSOLIDATING THE RULE OF LAW.

RETURNING TO THE INTERNATIONAL REALM, I WANT TO ACKNOWLEDGE THAT TREATIES ARE AN IMPORTANT PART OF HOW STATES MAINTAIN RELATIONS AMONGST THEMSELVES. ZAMBIA VALUES GREATLY, THE ROLE THAT THE UNITED NATIONS PLAYS IN SUPPORTING THE INTEGRITY OF INTERNATIONAL TREATIES.

MAJOR PROGRESS HAS INDEED BEEN RECORDED IN BRINGING THE WORLD UNDER A COMMON UNDERSTANDING OF STATE OBLIGATIONS AND DUTIES, AND FOR THIS, WE, THE UNITED NATIONS, MUST CONGRATULATE OURSELVES.

MR. PRESIDENT,

IT HOWEVER REMAINS A CONCERN THAT THE PROCESS OF REACHING INTERNATIONAL AGREEMENT HAS TAKEN ON NEW DYNAMICS WHICH IN MOST CASES HAVE DELAYED THE FINALIZATION OF TREATIES.

BUT I WONDER WHY THIS SHOULD BE WHEN WE ARE IN AN ERA WHERE OUR PHYSICAL SEPARATION IS DIMINISHING IN IMPORTANCE AND OUR COMMONALITY IS EVER INCREASING.

FOR ITS PART, ZAMBIA IS PARTY TO MANY INTERNATIONAL TREATIES THAT SUPPORT THE RULE OF LAW. AMONG THEM ARE; THE COVENANT OF CIVIL AND POLITICAL RIGHTS; THE COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS; THE CONVENTION AGAINST TORTURE AND OTHER INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT; THE CONVENTION ON THE RIGHTS OF THE CHILD, AND MANY MORE. WE INTEND TO IMPROVE ON OUR RECORD.

I THEREFORE WISH TO UTILIZE THIS PLATFORM TO PLEDGE OUR CONTINUED QUEST TO IMPROVE OUR COUNTRY'S ADHERENCE TO IMPORTANT TREATIES, OUR CURRENT FOCUS BEING ON THOSE SEEKING TO COUNTER NUCLEAR TERRORISM.

MR. PRESIDENT,

I WOULD LIKE TO END BY APPEALING TO THE UN AND ITS MEMBER STATES NOT TO RELENT IN ACCORDING RESOURCES FOR THE DEVELOPMENT OF A CREDIBLE AND LEGITIMATE INTERNATIONAL LEGAL SYSTEM AND THE CAPACITY OF ALL PEOPLE TO ABSORB ITS REQUIREMENTS. MY GOVERNMENT RECOGNIZES THAT POVERTY, IGNORANCE AND DISEASE ALL HAVE THE CAPACITY TO NEGATE THE EFFORTS OF PROMOTING THE RULE OF LAW.

ON THE INTERNATIONAL PLATFORM, WE MUST AS NATIONS, REGARDLESS OF OUR STRENGTHS OR WEAKNESSES, INSTILL WITHIN OURSELVES, A SENSE OF NEGOTIATING TREATIES IN GOOD FAITH AND DESIRE TO BE BOUND BY TREATIES REPRESENTING THE DEMOCRATIC CHOICE OF THE MAJORITY. INDEED, THE VOICE OF THE MAJORITY MUST ALWAYS BE ALLOWED TO PREVAIL.

I THANK YOU MR. PRESIDENT.