

REPORT OF THE PARLIAMENTARY SELECT COMMITTEE APPOINTED TO SCRUTINISE THE PRESIDENTIAL APPOINTMENT OF HON MR JUSTICE MICHAEL MUSONDA, SC, TO SERVE AS DEPUTY CHIEF JUSTICE OF THE REPUBLIC OF ZAMBIA

The Honourable Mr Speaker
National Assembly
Parliament Buildings
P O Box 31299
LUSAKA

Sir,

The Parliamentary Select Committee was appointed on Wednesday, 27th March, 2019, to scrutinise the Presidential appointment of Hon Mr Justice Michael Musonda, SC, to serve as Deputy Chief Justice of the Republic of Zambia.

The appointment of Hon Mr Justice Michael Musonda, SC, to serve as Deputy Chief Justice of the Republic of Zambia is made pursuant to Article 140 of the Constitution of Zambia, Cap. 1 of the Laws of Zambia, which states as follows:

“The President shall, on the recommendation of the Judicial Service Commission and subject to ratification by the National Assembly, appoint the –

- (a) Chief Justice;*
- (b) Deputy Chief Justice;*
- (c) President of the Constitutional Court;*
- (d) Deputy President of the Constitutional Court and*
- (e) other judges.”*

TERM OF REFERENCE

2. The term of reference of the Committee was to scrutinise the Presidential appointment of Hon Mr Justice Michael Musonda, SC, to serve as Deputy Chief Justice of the Republic of Zambia.

MEMBERSHIP

3. The Committee comprised the following Members:

Mr P M W Daka, MP, Chairperson;
Ms C C Kasanda, MP, Vice-Chairperson;
Mr P Mecha, MP;
Dr M Malama, MP;
Ms E Kabanshi, MP;
Mr D Mung'andu, MP;

Mr C Mweetwa, MP;
Ms S S Mulyata, MP;
Mr R Nakacinda, MP; and
Mr A Mandumbwa, MP.

MEETINGS OF THE COMMITTEE

4. The Committee held a total of five (5) meetings during the period 28th March, 2019 to 27th June, 2019. At its first meeting held on Thursday, 28th March, 2019, the Committee elected Mr P M W Daka, MP, as Chairperson and Ms C C Kasanda, MP, as Vice-Chairperson.

PROCEDURE ADOPTED

5. The Judiciary, as a branch of Government, is mandated by the Constitution to administer justice according to the law. It, therefore, plays a pivotal role in ensuring good governance and upholding the rule of law. In view of this, the Committee resolved that only a competent person with unquestionable integrity, diligence, eminence and sound character should be appointed as Deputy Chief Justice of the Republic of Zambia. Above all, the person should be committed to the promotion of the rule of law. Therefore, the Committee carefully selected the witnesses to assist it scrutinise the suitability of the nominee. The Committee requested memoranda from relevant State security agencies, professional bodies and other stakeholders and the Appointing Authority. The witnesses also appeared before the Committee to make their oral submissions. Further, the Committee interviewed the nominee and carefully scrutinised his *curriculum vitae*.

SUBMISSIONS BY STATE SECURITY AGENCIES

ZAMBIA POLICE SERVICE (ZP)

6. The Deputy Inspector-General of Police in charge of Operations submitted on the personal, educational and professional background of the nominee as stated in his *curriculum vitae*. He further informed the Committee that investigations conducted by the ZP on the nominee had not revealed any adverse record or report against him.

The Committee sought clarification on the nominee's place of birth and village of origin. The Deputy Inspector-General informed the Committee that the nominee originated from Reuben Musonda Village where he was born. He added that the details on the nominee's registration card were from his mother's side. This was because the nominee had lived with his mother for most of his childhood.

As regards the nominee's father, the Deputy Inspector-General explained that he was Mr Japhet Musonda from Mutende Village under Chief Chibale in Serenje District of the Central Province. He was born in 1932 and had worked for Zambia State Insurance Corporation – Life Division, in Ndola until he retired in 1980. He died at Mulembe Village in Serenje on 12th April, 2019.

Additionally, the Committee wanted to find out whether ZP had any new information regarding the nominee considering that he had been vetted recently when he was appointed as a Supreme

Court judge. In response, the Deputy Inspector-General stated that ZP did not have any new information on the nominee. He added that the sources of information that were used in vetting the nominee for his appointment as Deputy Chief Justice were new and the information was current. He stated that it was necessary to gather fresh information on the nominee because some of the previous sources of information were no longer in existence due to various factors, including the death of informants.

ANTI-CORRUPTION COMMISSION (ACC)

7. The Acting Director-General of the ACC submitted on the personal, educational and professional background of the nominee as stated in his *curriculum vitae*.

The Acting Director-General informed the Committee that a search conducted in the ACC's database on the nominee had not yielded any adverse information about the nominee. She stated that, for that reason, the ACC had no objection to the nominee's appointment as Deputy Chief Justice.

The Committee sought clarity from the Acting Director-General whether the ACC had received any report of corruption against the nominee when he was in private practice. The Deputy Director-General stated that the ACC had not received any report of that nature about the nominee.

DRUG ENFORCEMENT COMMISSION (DEC)

8. The Commissioner of DEC submitted that a search was conducted on the nominee to ascertain whether or not he had contravened the Narcotic Drugs and Psychotropic Substances Act, Cap. 96 of the Laws of Zambia, or the Prohibition and Prevention of Money Laundering Act, No. 14 of 2001. She stated that the search had yielded a negative result, meaning that DEC did not have an adverse record on the nominee.

The Commissioner also submitted that the nominee was a Zambian citizen and holder of NRC No. 146525/12/1 who resided at Plot No. 882, Tito Road, Rhodes Park. She added that the nominee was born on November 5, 1963 in Serenje District. She further submitted that the nominee's father's was Mr Japhet Musonda and his mother Diana Musonda, both from Serenje. She informed the Committee that the nominee was a widower with five children, namely; Ngosa, Chibale, Temwani, Blessed and Kumbizye. She also submitted that the nominee occasionally congregated with the United Church of Zambia.

Additionally, the Commissioner submitted on the nominee's academic and professional background as contained in his *curriculum vitae*. The Commissioner submitted that the nominee was a qualified commercial and business lawyer with experience in corporate law. She added that he had served the nation both at home and abroad, sitting on various boards as member and chairperson. She further stated that the nominee had worked in private practice until 8th December, 2015, when he was appointed to serve as a Supreme Court judge. She also stated that the nominee was currently serving as Acting Deputy Chief Justice and was described as hardworking and suitable for the appointment.

The Commissioner concluded her submission by stating that the nominee had no adverse record suggesting that he could have used illicit drugs or engaged in money laundering or drug trafficking. For that reason, DEC supported the nominee's appointment to serve as Deputy Chief Justice.

The Committee inquired whether DEC had travelled to Serenje to verify the information on the parents to the nominee. The Commissioner submitted that DEC had not travelled to Serenje, but had used its contacts to obtain the information.

The Committee asked the Commissioner whether, in addition to searching its database, DEC had personally interviewed the nominee. In response, the Commissioner submitted that DEC had not gone directly to the nominee who was the subject, but instead used intelligence to gather its information.

The Committee further asked the Commissioner if there was a possibility that DEC's intelligence could be wrong. In response, the Commissioner submitted that the intelligence information relied upon went through a number of investigative stages and was, therefore, accurate.

SUBMISSIONS BY PROFESSIONAL BODIES/STAKEHOLDER INSTITUTIONS

HUMAN RIGHTS COMMISSION (HRC)

9. The Director of the HRC submitted that the Judiciary, being one of the three arms of government, played a pivotal role in a democratic society anchored on respect for human rights and the rule of law. She referred the Committee to Article 118 (1) of the Constitution of Zambia and underscored the need for accountability in the Judiciary on the basis that judicial authority was derived from the people. She further stated that the public expected the Judiciary to dispense justice without fear, favour or bias. She added that to ensure public confidence in the Judiciary, it was imperative that judicial officers possessed the requisite qualifications and were men and women of proven integrity.

The Director also submitted that the position of Deputy Chief Justice was the second highest position in the Zambian Judiciary. She stated that, for that reason, a nominee for appointment to the position had to be subjected to a rigorous vetting process that was fair but firm. She added that the Deputy Chief Justice had a huge responsibility as he or she deputised the Chief Justice and acted in that position whenever the Chief Justice was absent. Further, the Deputy Chief Justice was mandated by the Constitution to discharge all the functions of the Chief Justice, including swearing in the President-elect and Vice-President elect in line with Articles 105 (1) and 110 (4) of the Constitution.

The Director then submitted on the personal, educational and professional background of the nominee as stated in his *curriculum vitae*.

The Committee asked the HRC about its views on opening up the ratification process to the general public for comments and scrutiny. The Director submitted that the HRC supported that because currently the ratification process was only made known to the public when the motion

for ratification of appointments was being debated on the floor of the House. She explained that that deprived the public of an opportunity to raise issues that would affect the appointment of a nominee.

The Committee further asked whether there was any guarantee that the nominee, who had been appointed to the bench recently, would reform the Judiciary. In response, the Director stated that there was no guarantee, but added that that applied to both newly-appointed judges and long serving judges. Asked whether the HRC had consulted other bodies in its investigations, the Director said that the Commission had not consulted any other sources as the letter that requested for submissions was confidential and the vetting was treated as such.

Furthermore, the Committee asked whether the nominee's appointment as Deputy Chief Justice would be received positively by judges who had been in the Judiciary longer than him. In response, the Director stated that she was confident that the nominee would be able to command respect from his colleagues considering that most judges of the Supreme Court were from the same era and had interacted as students and later worked together as colleagues. The Director added that the nominee may not have been the only suitable candidate, but was surely amongst the suitable candidates.

The Director added that while length of service in the Judiciary was relevant, it was not the only consideration for one to be appointed to the position of Deputy Chief Justice. It was, therefore, the Commission's submission that the nominee be considered for appointment as Deputy Chief Justice because this was a promotion and not a first appointment to the Judiciary.

The Committee inquired from the Director whether the HRC had extended its investigations to the nominee's family or homestead, particularly as regards the abuse or promotion of human rights. In response, the Director submitted that the HRC could not carry out any further investigations due to financial constraints. She, however, confirmed that the HRC had not received any report of alleged human rights violations by the nominee.

FINANCIAL INTELLIGENCE CENTRE (FIC)

10. The Director-General of FIC submitted that FIC had had recourse to the nominee's *curriculum vitae* and noted that the nominee met the Constitutional criterion for appointment to the office of Deputy Chief Justice of the Republic of Zambia and was, thus, qualified for the appointment. She added that FIC had no adverse record against the nominee.

The Committee asked the Director-General what FIC considered as a suspicious transaction and if FIC had conducted a background search on the nominee when he was in private practice and as a Supreme Court Judge. In response, the Director-General described a suspicious transaction as any transaction that was out of the normal character of a particular account. She added that suspicious transactions were brought to FIC's attention by various reporting agencies such as banks. She further stated that FIC had not found any suspicious transaction involving the nominee even after conducting an enhanced due diligence search on the nominee both when he served as a partner in a law firm and as a Supreme Court judge.

JUDICIAL SERVICE COMMISSION (JSC)

11. The Chairperson of the JSC informed the Committee that there was a difference between vetting individuals appointed to the Judiciary for the first time and vetting justices that were being promoted. He explained that vetting individuals that were being appointed to the Judiciary for the first time involved a rigorous consultative process. In this regard, the Chairperson indicated that the nominee had undergone a rigorous vetting process at the time he was appointed as a Judge of the Supreme Court and that the current process was for his promotion to a higher judicial office.

The Chairperson further informed the Committee that the nominee was one of the three (3) candidates that had been shortlisted for the position. He submitted that in considering the candidates, the JSC had regard to the Constitutional requirement for regional and gender balancing. He added that of the shortlisted candidates, one was female and the other was from the same region as the Chief Justice. In view of this, the nominee, who was the acting Deputy Chief Justice, was found to be the most suitable for appointment. The Commission, therefore, supported the candidature of the nominee and recommended that he be ratified as Deputy Chief Justice of the Republic.

The Committee observed that in order for the nominee to perform efficiently in his office, there was need for his appointment to be widely accepted by his peers. In this regard, the Committee inquired from the Chairperson whether the Commission had consulted the nominee's peers to ensure that he was widely accepted. The Chairperson informed the Committee that the JSC had found it unnecessary to consult any of the nominee's peers because the appointment was a promotion and not a first appointment.

The Committee inquired whether the Chairperson was aware of any dissatisfaction among senior judges with the nominee's promotion and, if so, what steps the Commission would take to ensure harmony among the judges. In response, the Chairperson stated that he was aware of the dissatisfaction, but stated that the Commission relied on the maturity and sense of responsibility of the Lordships and Ladyships to resolve their differences without affecting the delivery of justice.

The Committee asked the Chairperson whether there were any challenges the nominee would encounter in performing his functions as Deputy Chief Justice and if the nominee had the requisite experience to perform the functions of Deputy Chief Justice.

The Chairperson submitted that the nominee was currently acting as Deputy Chief Justice and was, therefore, already performing the functions of the office. In view of this, the Chairperson opined that the nominee had the requisite knowledge to hold the office of Deputy Chief Justice. In addition, the Chairperson informed the Committee that, in the past, the Deputy Chief Justice performed both the administrative and operational functions of the Judiciary. However, currently, the Judiciary had a Chief Administrator with a full complement of staff to handle all administrative matters. In view of this, the Chairperson submitted that the Deputy Chief Justice only had to perform the operational functions. In this regard, the Chairperson stated that the nominee would not encounter any challenges performing the functions of Deputy Chief Justice.

The Committee referred the Chairperson to the uncertainty of the decisions in the cases of Finsbury Investments Limited v Zambesi Portland and Savenda Management Services v Stanbic Bank Zambia Limited. The Committee, noting that the nominee had a background in commercial and corporate law, inquired whether he had been on the panel of judges that had delivered the judgments in those cases. In response, the Chairperson submitted that he was aware of the cases referred to, but had no recollection of the panel of judges which had presided over them. He, however, informed the Committee that at appeal stage, all judges were availed case records on a matter and a pre-hearing meeting was scheduled with the Chief Justice to discuss the grounds of appeal, arguments and the law referred to. He added that judges who were not on the panel participated in the pre-hearing to enable others benefit from their submissions. As a result of the collegial system, the delivery of judgments was based on consensus. He added that, as a Supreme Court judge, the nominee had delivered judgments in both civil and criminal matters that were respected by his peers.

JUDICIAL COMPLAINTS COMMISSION (JCC)

12. The Acting Chairperson of the JCC informed the Committee that the JCC was responsible for handling all complaints from members of the public relating to the performance of judges and judicial officers. As regards the nominee, he submitted that the JCC had only received one complaint from the public against him. He explained that the complaint was against a decision of the nominee and not his conduct and, as such, fell outside the jurisdiction of the JCC. As a result, it was dismissed by the Commission. In view of this, the Acting Chairperson submitted that the JCC undoubtedly supported the appointment of the nominee to serve as Deputy Chief Justice of the Republic of Zambia.

The Committee asked the Acting Chairperson to clarify the procedure employed by the JCC to handle complaints. In response, he stated that the JCC wrote to the person complained against requesting them to respond to the matters raised in the complaint. Based on the answer given, the JCC would decide whether further investigations were necessary to establish whether the complaint had merit. He added that, in most cases, the complaints lacked merit. However, where the Commission found that the complaint had merit, it heard and determined the matter to establish whether a case had been made against the judicial officer.

LAW ASSOCIATION OF ZAMBIA (LAZ)

13. The President of LAZ referred the Committee to Article 140 (b) of the Constitution, which empowered the Republican President to appoint the Deputy Chief Justice of the Republic of Zambia on recommendation of the JSC and subject to ratification by the National Assembly. He added that for a person to be appointed Deputy Chief Justice, he or she had to be qualified for appointment as a judge of the superior courts, particularly, the Supreme Court and the Constitutional Court. Furthermore, he submitted that Article 141 (1) (a) and (b) of the Constitution stipulated that for a person to be appointed as a judge of any of the two courts and by implication, Deputy Chief Justice, the person must be of proven integrity and must have been a legal practitioner for at least fifteen (15) years.

The President stated that the Council of LAZ, with the help of a number of State Counsel, had met and deliberated on the suitability of the nominee and had unanimously resolved that he was legally and eminently qualified to be appointed as Deputy Chief Justice of the Republic of Zambia under Article 141 of the Constitution. He added that LAZ was of the view that he would make an excellent Deputy Chief Justice given his academic qualifications, professional experience and personality. He further submitted that it was also worth noting that although the nominee was not the most senior judge on the Supreme Court bench, there was no requirement in the Republican Constitution or, indeed, any rule of law principle for the Republican President to appoint the most senior judge as Deputy Chief Justice or, indeed, Chief Justice.

The President of LAZ further stated that Article 137 (1) of the Republican Constitution highlighted the functions of the Deputy Chief Justice as assisting the Chief Justice with the administration of the Judiciary and acting as Chief Justice in the absence of the Chief Justice. Having served in several leadership roles, as indicated in his *curriculum vitae*, and acting as Deputy Chief Justice, the LAZ President had no doubt that the nominee would acquit himself well as Deputy Chief Justice and would suitably complement the Chief Justice. He added that LAZ had not received any adverse report in relation to the nominee's conduct as a judge from the time he was appointed to the bench.

In concluding his submission, the LAZ President stated that the Association had no doubt that the nominee possessed the necessary probity, attributes, experience, leadership skills and personality to serve as Deputy Chief Justice and would command the necessary respect of the other judges of the superior courts and the entire Judiciary. In view of this, LAZ unreservedly supported his appointment.

The Committee asked LAZ if it had interrogated the religious background of the nominee and what its views were on appointing a person who did not participate in political activities due to his religious beliefs. In response, the LAZ President stated that LAZ had not addressed that issue as it was not one of the requirements for the position as prescribed in the Constitution. However, he added that the nominee had taken an oath when being sworn in as a Supreme Court judge and, therefore, he would not have any challenges performing the functions of Deputy Chief Justice.

The Committee asked LAZ about the nominee's personality. In response, the LAZ President stated that the nominee, being a past President of LAZ, had interacted with him as a colleague. He submitted that through that interaction, he had observed that the nominee was approachable, helpful and open to new ideas. Further, he stated that the nominee was also fair but firm and that when he believed in something, he could justify his decision. He added that the nominee had the ability to bring out the best in people. He further stated that the nominee had earned the respect and admiration of many in the profession due to his work ethic and dedication to duty.

TRANSPARENCY INTERNATIONAL ZAMBIA (TIZ)

14. The Executive Director of TIZ began his submission by emphasising that judges were critical to the dispensation of justice in Zambia. He stated that in order to promote values that enhanced the delivery of justice, the Judiciary had to be independent. He explained that judicial authority should abide by the principles that governed it, namely, promotion of accountability

and the exercise of judicial authority in a manner that promoted justice for all. He informed the Committee that for that reason, the position of Deputy Chief Justice ought to be occupied by a person of integrity who met the requisite qualifications.

The Executive Director further submitted that Article 141 of the Constitution was a reference point for the appointment of Supreme Court judges and needed to be observed to the letter. He explained that Article 141 stipulated that persons to be appointed as judges of the Supreme Court should be legal practitioners of high integrity. The Executive Director submitted that the people to be appointed as judges ought, therefore, to be persons of proven integrity who had the ability to be impartial and independent as required of all judicial officers. It was his submission that a judicial system that had judges of proven integrity and impartiality would ensure that the rule of law and the cause of justice were advanced.

The Executive Director informed the Committee that the nominee's *curriculum vitae* revealed that he had held many leadership positions such as Chairperson of the Lands Tribunal and Chairperson of the Road Service Appeals Tribunal. He further stated that the *curriculum vitae* showed that the nominee had, in many instances, served as a mediator as well as the sole and presiding arbitrator in some commercial disputes.

Methodology of Assessment

The Executive Director submitted that in conducting its assessment of the nominee, TIZ had used the following methodology in hierarchical order:

1. Background Check

The Executive Director submitted that persons appointed to serve in high offices should have a clean background and should be authentic in terms of the claims that they made about their background, which included their academic qualifications and work experience. The Committee was informed that TIZ, therefore, undertook, where it could, a verification of the academic qualifications of the nominee. He further submitted that TIZ had engaged people that knew the nominee or had worked with him in order to learn more about his character.

2. Legal Requirements

The Executive Director submitted that the position of Deputy Chief Justice was provided for under the Constitution of Zambia. The Constitution, thus, outlined the requirements for one to be appointed Deputy Chief Justice. He stated that TIZ had considered and analysed the provisions of the Constitution with regard to the appointment of the nominee. The Executive Director stated that it was the submission of TIZ that the above criteria formed the basis of its final recommendations and conclusions.

3. Security Vetting

The Executive Director submitted that using various records and sources, TIZ had assessed the security standing of the nominee. He explained that the primary interest of TIZ was to identify public positions that the nominee had taken previously, if any, on matters of public security. The Executive Director stated that the question TIZ had addressed was whether the nominee would pose a security risk to the country if appointed Deputy Chief Justice.

4. Independence / Objectivity Test

The Executive Director submitted that the above methodology was, in most cases, an in-house analysis of data obtained and the focus was to establish how independent or objective the nominee would be if appointed Deputy Chief Justice.

5. Public Integrity and Standing Test

The Executive Director stated that using public and private records, TIZ had assessed whether the nominee was known to be a person of integrity and good standing in society.

6. Skills Matching

It was TIZ's submission that persons that were appointed judges should add value to the Judiciary. The Executive Director explained that the value addition was work experience, specialised skills or leadership qualities that could be harnessed for the good of the institution. In that regard, he submitted that TIZ had scrutinised the *curriculum vitae* of the nominee to assess the type of contribution that he would make if his appointment was ratified by the National Assembly.

With reference to Article 141 of the Constitution, which highlighted the qualifications required of a judge, the Executive Director submitted that the nominee had thirty two (32) years' experience as a legal practitioner. He added that it could be deduced from the nominee's *curriculum vitae* that, prior to his appointment as a Supreme Court Judge, the nominee had practised under his own firm for a period of twenty-three (23) years and, therefore, had vast experience in the practice of law. He submitted, therefore, that in that respect, the nominee met the requisite qualifications for appointment as Deputy Chief Justice.

As regards Article 142(1) and (2), which provides for the tenure of office of judges, the Executive Director submitted that the nominee was fifty-six (56) years old, thus, once ratified, he would serve as Deputy Chief Justice for fourteen (14) years before attaining retirement age. He submitted that this was a substantial period of time and that the operations of the Judiciary would not be crippled as would be the case where one only served for a short time before attaining retirement age.

With regard to Article 143 (a) of the Constitution, which relates to the mental and physical capacity of judges, the Executive Director informed the Committee that the nominee was serving as a Supreme Court judge, which clearly showed that he possessed the requisite mental capabilities to serve as a judge. It was further submitted that that the nominee did not have any physical disability that rendered him incapable of performing the duties of Deputy Chief Justice.

In relation to Article 143 (b) of the Constitution, which requires a judge to be competent, the Executive Director submitted that the nominee had exemplary academic qualifications. He explained that the nominee had been the best student in his class at the Zambia Institute of Advanced Legal Education, where he obtained six distinctions out of ten (10) heads. He added that the nominee had obtained a specialised Masters Degree in Business, Corporate and Commercial Law and had also been conferred with the honour and dignity of State Counsel of the Republic of Zambia.

The Executive Director submitted that TIZ assessed the nominee's public integrity and found no information which questioned his integrity. He further informed the Committee that TIZ had noticed that the nominee had participated in various seminars and workshops where he had made presentations on various topics, including lawyering with integrity, managing the genesis of client-instigated woes and troubles, and corrupt practices in the private sector. The Executive Director submitted that, as one of the crusaders against corruption, TIZ took pride in presentations that built integrity and discouraged corruption.

In conclusion, the Executive Director submitted that TIZ was of the view that the nominee was the right candidate for the position of Deputy Chief Justice. He added that the nominee was academically and constitutionally qualified for appointment to the position. He further submitted that the various managerial and leadership positions that the nominee had held indicated that he had the requisite skill and could manage all the duties of a Deputy Chief Justice.

SUBMISSION BY THE NOMINEE

Hon Mr Justice Michael Musonda, SC

15. The nominee informed the Committee of his personal details, educational background and experience as contained in his *curriculum vitae*.

The Committee inquired about the nominee's faith. In response, he submitted that he was a Christian and occasionally congregated at Jehovah's Witness Church and the United Church of Zambia (UCZ).

The Committee further asked the nominee whether he held any position in any of the churches mentioned. He responded in the negative. The Committee further asked the nominee if he was a baptised Jehovah's Witness, and whether he would carry out duties such as swearing in a Head of State, which was contrary to the Jehovah's Witness' faith. In response, he submitted that he was not a baptised member of the Jehovah's Witnesses. He further informed the Committee that despite being declared a Christian nation, Zambia was administered by man-made laws and that he had on a number of occasions sworn on the Bible. He added that given the privilege to swear in a Head of State, he would do it without difficulty.

The Committee noted that being a judge meant one led a sedentary life. In this regard, the Committee asked the nominee how he intended to manage his health. In response, the nominee acknowledged the importance of keeping healthy. He added that for that reason, the Judiciary dedicated time to sporting activities on Fridays, which he participated in.

The Committee asked the nominee to describe his relationship with the long-serving judges of the Supreme Court after his appointment as Acting Deputy Chief Justice. In response, the nominee stated that he was aware that some of those he found, may have felt that because of their long service in the Judiciary, they were the right persons for the appointment. The nominee further added that it was the discretion of the Appointing Authority to appoint and that he never campaigned in any way and hoped for a good working relationship with everyone in the Judiciary.

The Committee observed that the Judiciary had a serious challenge with courtrooms and infrastructure, and that judges conducted circuit sessions in areas that did not have resident judges, which was an expense on the treasury. Consequently, the Committee asked the nominee what role he would play in ensuring that the Judiciary had adequate courts in the country. In response, the nominee acknowledged that inadequate infrastructure was a very big challenge in the Judiciary. He submitted that, in 2016, the Constitution was amended to create the Court of Appeal and the Constitutional Court, but that there was no infrastructure constructed to accommodate the new courts. The nominee submitted that the Judiciary did not have sufficient resources for the construction of court rooms, but relied on the Executive arm of Government for funding.

The Committee noted the high number of corruption cases in the country and asked the nominee how he would deal with corruption in the Judiciary. In response, the nominee stated that if any

judicial officer was involved in corrupt practices, it was the duty of appropriate law enforcement agencies to deal with the matter.

The Committee also took cognisance of poor record keeping in the Judiciary and inquired from the nominee how he would resolve the problem. In response, the nominee submitted that the Judiciary had digitised the storage of information, but had a challenge establishing a fully functioning Information Communications Technology (ICT) Department due to lack of funding.

SUBMISSION BY THE APPOINTING AUTHORITY

16. The Hon Minister of Justice, representing the Appointing Authority, submitted that the nominee was born on 5th November, 1963. He added that the nominee was a holder of a Bachelor of Laws Degree from the University of Zambia, where he graduated with a merit. He further submitted that the nominee was admitted as an advocate of the High Court for Zambia in 1987 and also held a specialised Master of Laws Degree in Business, Corporate and Commercial Law from the University of London, and a Master of Philosophy Degree in Management Studies from the University of Oxford, England.

The Hon Minister further stated that during the nominee's thirty-two year long career in the profession, he worked as a trainee Legal Practitioner at Messrs G F Kambiti & Partners from 1986 to 1987 and moved to Messrs Ticklay Hamakando and Company. From 1992 to 1996, he worked as a lecturer and tutor in the School of Law at the University of Zambia. In addition, the Hon Minister stated that that during the period 1995 to 1999, the nominee was appointed Receiver and Manager of Property Mortgaged to Zambia National Building Society by Zambia Steel and Building Suppliers Limited; Receiver and Manager for Marklands Limited (in Receivership); Liquidator for Mutende Investment Limited (in Liquidation); Liquidator of Sianza Industrial Limited (in Liquidation); Receiver and Manager for Duly Motors (Zambia) Limited (in Receivership); Receiver at Sansin Suppliers Limited (in Receivership); Legal Advisor to the Receiver and Manager of Premium Oil Industries Limited (in Receivership); Liquidator of Big Five Car Hire Zambia Limited (in Liquidation); Legal Advisor to the Liquidator of Mercantile Printers Limited (in Liquidation); Honorary Lecturer at the Law Practice Institute (now ZIALE); and served as Chairperson of the Lands Tribunal and the Road Service Appeals Tribunal.

The Hon Minister submitted that in 2001, the nominee worked as the Receiver and Manager for Mwenge Development Company Limited (in Liquidation) and the Central Breweries Limited (in Receivership). In 2003, he was appointed as Vice-Chairperson of the sub-Committee on contracts and legal matters of the GRZ/ RAMCOZ negotiating team on the sale of certain Roan Antelope Mining Corporation of Zambia Plc (in Receivership) assets. He further served as President of the Law Association of Zambia from May, 2002 to May, 2004. The Committee was, furthermore, informed that from 2007 to 2011, the nominee was appointed as a Member of the Legal and Regulatory Infrastructure Working Group of the Financial Sector Development plan; a Member of the Audit and Risk Committee of the Energy Regulation Board, and in 2012, served as a Member of the Technical Committee constituted by the President of the Republic of Zambia to inquire into the sale or privatisation of Zambia National Commercial Bank Plc and the sale of Finance Bank Zambia Limited. The Hon Minister also stated that in 2005, the nominee served as a member and Board Chairperson of Times Printpack Zambia Limited. Among his notable

professional achievements, the Hon Minister stated, was that in August, 2015, the nominee was conferred with the honour and dignity of State Counsel of the Republic of Zambia by letter Patent by His Excellency Mr Edgar C Lungu, President of the Republic of Zambia, and was later appointed as a Judge of the Supreme Court of Zambia, where he was currently serving.

The Hon Minister also highlighted that the nominee served in various professional bodies and institutions which included the Editorial Board of the Zambia Law Reports, the Law Association of Zambia Disciplinary Committee and the Board of Examiners at ZIALE. In addition, the nominee was Vice-Chairperson of the Audit Committee of the Ministry of Finance and Honorary Lecturer and Examiner in Company Law and Procedure at ZIALE. He further served as Director of the Credit Reference Bureau Africa Limited, Collection Africa Limited and as the Board Chairperson for Iposinet Digital Limited.

The Hon Minister concluded his submission on the nominee by stating that he was eminently qualified and experienced for appointment as Deputy Chief Justice of the Republic of Zambia and the Government fully supported his appointment.

The Committee noted the inadequate infrastructure for courts in the country and asked the Hon Minister whether there were any plans to address the problem. In response, the Hon Minister informed the Committee that it was the duty of the Executive to mobilise resources and ensure that the other arms of Government were sufficiently funded for their operations.

The Committee inquired on the nominee's ability to make decisions that promoted national security and peace. In response, the Hon Minister submitted that the nominee was a Zambian citizen who had served the nation for thirty-three (33) years. Further, the Hon Minister stated that the records availed to his ministry did not reveal any adverse information against the nominee. Additionally, the Hon Minister submitted that the nominee had served in various portfolios and performed his duties professionally and with due diligence. In view of this, the Appointing Authority was confident that if the nominee's appointment was ratified by the National Assembly, he would serve in the best interest of the nation.

The Committee observed the need to improve record keeping in the Judiciary and align it with the current trends in ICT. In that regard, the Committee asked the Hon Minister if there was any support rendered to the Judiciary in that area. In response, the Hon Minister informed the Committee of the ministry's desire to automate not only the record-keeping system, but also the case management system. He added that the two systems would not only involve the Judiciary but all stakeholders in the justice delivery system, including the National Prosecution Authority (NPA), the Zambia Police Service and the Zambia Correctional Service. He emphasised that this would ensure that all stakeholders involved in the delivery of justice were on the same platform.

OBSERVATIONS AND RECOMMENDATIONS

17. The Committee notes that Article 259 of the Constitution requires a person making an appointment to a public office to ensure gender equality and, where possible, ensure that the nomination or appointment reflects regional diversity. With regard to gender, the Committee observes that since the Chief Justice was a female, it was necessary to have a Deputy Chief Justice of the opposite gender. With regard to regional diversity, the Committee observes that the nominee comes from a different region from that of the Chief Justice. In the light of this, the Committee wishes to commend the Appointing Authority for complying with Article 259 in making this appointment.

The Committee further notes that Article 137 establishes the position of Deputy Chief Justice and provides for the duties of the office bearer. The Committee observes that one of the duties of the Deputy Chief Justice is to assist the Chief Justice in the administration of the Judiciary. In that regard, the Committee wishes to commend the Appointing Authority for appointing the nominee who not only had the requisite legal training and experience, but was also trained and experienced in management and administration-related matters in the public and private sectors.

The Committee observes that the nominee is relatively new on the Bench. The Committee notes that being a new entrant was an advantage because the nominee would ensure that the ethos of efficiency and effectiveness, typical of successful organisations in the private sector, would be applied in the administration of the Judiciary, generally, and in the delivery of justice, specifically.

Further, the Committee observes that all the witnesses that appeared before the Committee supported the nominee's appointment. In addition, they described the nominee as possessing the requisite academic qualifications, professional experience and personality to serve as Deputy Chief Justice of the Republic of Zambia.

The Committee, after due and thorough consideration, analysis and evaluation of the written and oral submissions presented to it by witnesses and the interview with the nominee, is of the considered view that the nominee is suitably qualified and possesses the requisite competences to serve as Deputy Chief Justice.

The Committee, therefore, recommends that the House ratifies the Presidential appointment of Hon Mr Justice Michael Musonda, SC, to serve as Deputy Chief Justice of the Republic of Zambia.

CONCLUSION

18. The Members of the Committee wish to place on record their gratitude to you, Mr Speaker, for appointing them to serve on the Select Committee. The Committee is also thankful for the services and advice rendered to it by the Office of the Clerk of the National Assembly during its deliberations.

The Committee further wishes to thank the State security and investigative agencies, professional bodies and other stakeholder institutions for their oral and written submissions which assisted the Committee in making an informed recommendation to the House.

We have the honour to be, Sir, the Parliamentary Select Committee appointed to scrutinise the Presidential appointment of Hon Mr Justice Michael Musonda, SC, to serve as Deputy Chief Justice of the Republic of Zambia.

Mr P M W Daka, MP
(Chairperson)

Ms C C Kasanda, MP
(Vice-Chairperson)

Mr P Mecha, MP
(Member)

Dr M Malama, MP
(Member)

Ms E Kabanshi, MP
(Member)

Mr D Mung'andu, MP
(Member)

Mr C Mweetwa, MP
(Member)

Mrs S S Mulyata, MP
(Member)

Mr R M Nakacinda, MP
(Member)

Mr A Mandumbwa, MP
(Member)

APPENDIX I – OFFICERS OF THE NATIONAL ASSEMBLY

Mrs Doris N Kapumba, Parliamentary Legal Counsel
Mr Joseph N Sianyabo, Deputy Parliamentary Legal Counsel
Mr Dominic Mwinamo, Senior Legal Officer
Ms Mambwe Kaoma, Legal Officer
Ms Christabel Mtonga, Acting Personal Secretary II
Mrs Priscilla L Shamakamba, Legal Assistant
Mr Lovemore Kabwata, Legal Assistant
Mr Alvin Himululi, Intern – Legal Services Department
Mr Jacob Mulyata, Intern – Legal Services Department

APPENDIX II – THE WITNESSES

ZAMBIA POLICE (ZP)

Mr B Kapeso, Deputy Inspector General of Police (Operations)
Mr K Chibwe, Senior Assistant Commissioner of Police

ANTI-CORRUPTION COMMISSION (ACC)

Mrs R K Khuzwayo, Acting Director-General
Mr S Muchula, Acting Director – Legal & Prosecutions

DRUG ENFORCEMENT COMMISSION (DEC)

Ms A Mbahwe, Commissioner
Mr R Chulu, Parliamentary Liaison Officer

HUMAN RIGHTS COMMISSION (HRC)

Ms F Chibwasha, Director
Mr M Mwiye, Head Human Resource & Administration

FINANCIAL INTELLIGENCE CENTRE (FIC)

Ms M Chirwa, Director-General
Ms L B Tembo, Director-Legal & Prosecutions

JUDICIAL SERVICE COMMISSION (JSC)

Hon Justice Mr M S W Nguluble (Rtd), Chairperson
Mr B M Bwalya, Vice-Chairperson
Mr C Kafunda, Secretary
Mr P Chisha, Deputy Secretary
Ms T S Musonda, Deputy Secretary
Mr M Mukande, Member

JUDICIAL COMPLAINTS COMMISSION

Justice Mr G W Simukoko, Member
Mr N Makeleta, Secretary

LAW ASSOCIATION OF ZAMBIA (LAZ)

Mr E Mwitwa, President
Ms C M Kaoma, Council Member
Ms M Mwape, Council Member

TRANSPARENCY INTERNATIONAL ZAMBIA (TIZ)

Mr W Chibamba, Executive-Director
Ms B Samulela, Legal Officer

APPOINTING AUTHORITY

Hon G Lubinda, MP, Minister of Justice

APPENDIX III – THE NOMINEE

Hon Mr Justice Michael Musonda, SC

APPENDIX IV – CURRICULUM VITAE OF THE NOMINEE

HON MR JUSTICE MICHAEL MUSONDA, SC

PERSONAL INFORMATION

NAME : Michael Musonda, SC
DATE OF BIRTH : November, 5th 1963
NATIONALITY : Zambian
SEX : Male
ADDRESS : M. Musonda & Co.
35 Los Angeles Boulevard
Longacres,
P O Box 36470, Lusaka, **ZAMBIA**
Tel No. +260-211-251824
Fax No. +260-211-251834
Mobile: +260955/0966-751382

E-mail: mmusonda@mmusonda.co.zm; michaelmusonda1@gmail.com

QUALIFICATIONS

ACADEMIC

10/89 – 06/91 University of Oxford, England: Master of Philosophy Degree in Management Studies

10/88 – 09/89 University of London, England: Specialised Master of Laws Degree in Business/Corporate & Commercial Law

10/86 – 10/87 Law Practice Institute, Zambia: Successfully underwent the Legal Practitioners’ training course and was awarded The Zambia Council of Legal Education Certificate after passing all the 10 subjects/Heads at first sitting with six distinctions. I qualified as a Legal Practitioner and was duly admitted to practise as an Advocate on 04/12/87

10/82 – 07/86 University of Zambia: Bachelor of Laws Degree (with Merit)

1977 – 1981 Mkushi Secondary School, Zambia: School Certificate (Division One)

CURRENT POSITION

Have been serving as Judge of the Supreme Court of Zambia since March, 2016 having been appointed by His Excellency, Mr Edgar C Lungu, President of the Republic of Zambia on

December 8th, 2015.

PROFESSIONAL HONOURS

04/08/15 Conferred with the Honour and Dignity of **State Counsel of the Republic of Zambia** by Letters Patent by His Excellency Mr Edgar C. Lungu, President of the Republic of Zambia

ACADEMIC AWARDS

1988 – 1991 Rhodes Scholar for Zambia, **University of London** and **Oxford University** (England)

PROFESSIONAL QUALIFICATIONS/MEMBERSHIP TO PROFESSIONAL BODIES

- Advocate and Member of the Inner Bar of the High Court of Zambia and the Supreme Court of Zambia
- Member of the Law Association of Zambia (President, May, 2002 to May, 2004)
- Member of the Chartered Institute of Arbitrators(UK)
- Member of the Zambian Branch of the Chartered Institute of Arbitrators
- Court - Annexed Mediator
- Notary Public

AREA OF PRACTICE

Private Legal Practitioner under the name and style of M. Musonda & Co. in which I practised as the Managing Partner. Messrs M. Musonda & Co. was registered on 01 March, 1993 and command particular expertise in the areas of Commercial/Business/Corporate Law, Insolvency (Liquidations and Receiverships), Employment/Labour Law, Conveyancing and Civil Litigation. I have also been the Legal Advisor to a number of leading Insolvency Practitioners in Zambia including:-

- The Joint Receivers and Managers of Kayanje Farming Limited (In Receivership)
- The liquidator of Zambia Venture Capital Fund Limited (in liquidation)
- The Joint Receivers & Managers of JES Mining Zambia Limited (in Receivership)
- The Joint Receivers and Managers of Bakile Limited (in Receivership)
- The Joint Receivers and Managers of Fowill Farming Limited (in receivership)
- The Receiver and Manager of Roan Antelope Mining Corporation of Zambia PLC (in Receivership)
- The Joint Liquidators of Lima Bank Limited (in liquidation)
- The Liquidation Manager of First Merchant Bank Zambia Limited (in liquidation)
- The Liquidation Manager of Union Bank Zambia Limited (in liquidation)
- The Liquidator of Manifold Investment Bank Limited (in liquidation)
- The Liquidator of Merchantile Printers Limited (in liquidation)
- The Receiver and Manager of Premium Oils Limited (in Receivership)

- The Liquidator of Zambia Farmers Co-operative Society Limited (in liquidation)

ADJUDICATION, ARBITRATION, & MEDIATION EXPERIENCE

I have served as Chairperson of the Lands Tribunal of the Republic of Zambia from June, 2006 to June, 2009. I have also served as Chairperson of the Road Service Appeals Tribunal of the Republic of Zambia

In addition, I have served both as a sole Arbitrator as well as the Presiding Arbitrator (in three-man arbitrations) in several commercial arbitrations including a multi-million (U.S. Dollar) arbitration involving two leading telecommunication Companies in Zambia. I have also served as a Court-appointed Mediator in relation to several matters that have been referred to me by the High Court of Zambia and as a sole Adjudicator in respect of a multi-million kwacha civil engineering dispute involving the Government of the Republic of Zambia and a private civil engineering construction company

OTHER EXPERIENCE

I have served as Receiver and Manager and Liquidator of a number of private limited Companies in Zambia.

In addition, I have worked/collaborated with leading (international) Law Firms such as Messrs Clifford Chance (multi-million dollar financing related legal advisory services to China Development Bank Corporation), Messrs Allen & Overy LLP (U.K.), Messrs CMS Cameron Mckenna LLP (U.K.), Messrs Deneys Reitz (RSA), Messrs Werkmans (South Africa), Messrs Blake, Cassels & Graydon LLP (Canada) and others in both contentious and non-contentious matters.

I have also worked/collaborated with leading international Management Consulting/Accountancy Firms including PricewaterhouseCoopers (previously operating under separate names as Pricewaterhouse and Coopers and Lybrand) and Grant Thornton Associates on numerous multi-disciplinary consultancies involving institutional restructuring/reform/development.

DIRECTORSHIPS

- Credit Reference Bureau Africa Limited
- Collection Africa Limited
- Iposinet Digital Limited (Board Chairperson)

OTHER SIGNIFICANT POSITIONS CURRENTLY HELD

- Honorary Lecturer and Examiner in Company Law and Procedure – Zambia Institute of Advanced Legal Education
- Member and Vice Chairperson of the Audit Committee of the Ministry of Finance
- Member of the Board of Examiners, Zambia Institute of Advanced Legal Education

- Member of the Law Association of Zambia Disciplinary Committee
- Member of the Editorial Board of The Zambia Law Reports

EMPLOYMENT RECORD

- 06/92-10/96 Lecturer and Tutor in Law, School of Law, University of Zambia
- 04/92-06/92 Private Legal Practitioner, Messrs Central Chambers, a private Law Firm based in Lusaka
- 10/87-08/88 Legal Practitioner, Messrs Ticklay, Hamakando and Company, a private Law Firm in Lusaka (since dissolved)
- 10/86-10/87 Trainee Legal Practitioner, Messrs G. F. Kambiti & Partners, a private Law Firm based in Lusaka (since dissolved)

SELECTED PROFESSIONAL POSITIONS/ASSIGNMENTS PREVIOUSLY HELD/UNDERTAKEN

- 03/12-02/15 Member and Board Chairperson Times Printpak Zambia Limited
- 12/11-7/12 Served as a Member of the Technical Committee to the Inquiries which were Instituted by the President of the Republic of Zambia into the sale/privatization of Zambia National Commercial Bank Plc and the Sale of Finance Bank Zambia Limited
- 12/07-09/11 Member of the Audit and Risk Committee of the Energy Regulation Board
- 06/06- 06/09 Chairman of the Lands Tribunal of the Republic of Zambia
Chairman, Road Service Appeals Tribunal
- 05/96-09/98 Honorary Lecturer – Law Practice Institute (now Zambia Institute of Advanced Legal Education)
- 10/07-12/07 Member of the Legal and Regulatory Infrastructure Working Group of the Financial Sector Development Plan. The Group was constituted for the purpose of playing an oversight role in relation to legal consultants who had been engaged to review the following pieces of legislation:
- The Securities Act
 - The Companies Act
 - The Registration of Business Names Act
 - The Banking & Financial Services Act
 - The Bills of Exchange Act (UK)
 - The cheques Act
 - The Money Lenders Act

- The Insurance Act
- The Pensions Act
- The Pensions Regulation Act
- The Building Societies Act

- 08/2003- Vice-Chairman of the Sub-Committee on Contracts and Legal Matters of the GRZ/RAMCOZ Negotiating Team on the sale of certain Roan Antelope Mining Corporation of Zambia Plc (in Receivership) assets to Luanshya Copper Mines Plc
- 03/2001- Receiver & Manager – Central Breweries Limited (in Receivership)
- Receiver & Manager – Mwenge Development Company Ltd (in receivership)
- 05/97-12/99 Legal Advisor to the Liquidator of Mercantile Printers Limited (in liquidation)
- 05/97-08/99 Legal Advisor to the Liquidator of Zambia Farmers Co-operative Society Limited (in liquidation)
- 06/98-01/99 Liquidator, Big Five Car Hire Zambia Limited (in liquidation)
- 02/97-12/98 Legal Advisor to the Receiver and Manager – Premium Oil Industries Limited (in Receivership)
- 02/97-12/98 Receiver, Sansin Supplies Limited (in Receivership)
- 01/96-04/96 Receiver and Manager – Duly Motors (Zambia) Limited (in Receivership)
- 07/95-02/96 Liquidator, Siaza Industrial Limited (in liquidation)
- 07/95-02/96 Liquidator, Mutende Investments Limited (in Liquidation)
- 06/94-10/95 Receiver and Manager – Marklands Limited (in Receivership)
- 03/95-05/95 Receiver and Manager of Properties mortgaged to Zambia National Building Society by Zambia Steel and Building Supplies Limited

OTHER SIGNIFICANT POSITIONS PREVIOUSLY HELD

- President of the Law Association of Zambia (05/2002 to 05/2004)
- Member of ‘The National Group’ comprising the Deputy Chief Justice for the Republic of Zambia, The Attorney-General of the Republic of Zambia and the Dean, School of Law and responsible for the selection of Zambian candidates to serve on International Tribunals
- Member of the Council of the Zambia Institute of Advanced Legal Education
- Convenor, Law Association of Zambia Committee on Business and Commercial Law

- Member, Law Association of Zambia Council
- Convenor, Law Development Committee of the Law Association of Zambia (1992-6)
- Convenor, Business and Commercial Law Committee of the Law Association of Zambia
- Business Editor, Zambia Law Journal (1994-6)
- Secretary, Zambia Law Journal (1992-4)
- Acting Editor, Zambia Law Journal, May – June, 1995
- Chairman, University of Zambia Law Association (UNZALAW)
- President–General, University of Zambia Students Union (UNZASU), 1986.

SELECTED LEGAL CONSULTANCIES UNDERTAKEN

- 10/2009 Engaged as Legal Consultant by ActionAid International Zambia Limited and MS Zambia (the Danish Association for international cooperation) to provide legal advisory services relating to a proposal to merge ActionAid International Zambia Limited and MS Zambia. The consultancy also involved reviewing the Non-Governmental Organisations Act, No. 16 of 2009 and its impact upon the two organisations named above.
- 05/2008 Engaged as Legal Consultant by Lafarge Cement Zambia PLC to review the Mines and Minerals Development Act No. 7 of 2008 in relation to the Company and its operations .I undertook the review and prepared a detailed Report for the client.
- 01/08 Provided legal advisory services to the shareholders of Zambia Venture Capital Fund Limited on the manner and steps to be taken to initiate, conduct and conclude the winding-up of Zambia Venture Capital Fund Limited by way of a members’ voluntary winding up. The consultancy also involved preparation of the key legal documentation involved in each of the processes indicated above including a Procedure Table highlighting all the necessary steps and actions.
- 03/07 – 05/07 Engaged as a Legal Consultant by the Millennium Threshold Project/USAID ZAMBIA to undertake a review and an analysis of employment-related provisions of The Zambia Development Agency Act No. 11 of 2006 as well as the Draft Terms and Conditions of Service and the Disciplinary and Grievance Procedure Code of the Zambia Development Agency.
- 02/06 – 05/06 Engaged by Messrs Allen & Overy LLP of the United Kingdom as an Expert Witness on Zambian Law in Legal Proceedings in the High Court of Justice in London. I prepared an Expert Witness Report and gave oral evidence in the High Court of Justice of England & Wales.
- 11/2000 – 02/06 Served as Legal Advisor to the Receiver and Manager of Roan Antelope Mining Corporation of Zambia plc (in receivership). My key responsibilities included:

- providing general legal advice to the Company's Receiver and Manager
 - reviewing and advising upon various legal instruments, Agreements, Contracts etc involving Roan Antelope Mining Corporation & Zambia Plc (in receivership)
 - drafting/approving various Agreements and correspondence involving the company
 - generally providing legal guidance to the Receiver and Manager vis-à-vis the proper and lawful discharge of his functions/responsibilities.
- 09/02-09/2003 Legal Expert to the GKW Consult /Grant Thornton Associates Limited study on '*Review of options for Private Sector Participation in the provision of Water Supply and Sewerage Services on the Copperbelt Province of the Republic of Zambia*'
- 09/01-09/2002 Served as Legal Expert, 'Kariba North Bank Company Limited Manpower Audit and Review of Conditions of Service Study' conducted by Messrs Grant Thornton Associates Limited
- 09/01-05/2002 Served as Legal Expert, '*Private Sector Participation in Petroleum Feedstock Procurement and Wholesale Study*' conducted by Messrs Grant Thornton Associates Limited
- 02/00-03/2001 Served as Legal Advisor to Messrs AHC Mining Municipal Services Limited ("AHC") vis-à-vis the execution of a management contract between AHC and a Private Operator in relation to the provision of services hitherto provided by Zambia Consolidated Copper Mines Limited in Mine townships namely, water supply, sanitation, and solid waste management
- 12/2000 Prepared a reference manual on '*Security Documentation for Bank Lending*' on behalf of Standard Chartered Bank of Zambia Plc
- 21-28/02/2000 Served as Legal Expert to the Zambia Consolidated Copper Mines Limited Appraisal Mission to the World Bank, Washington D.C. USA. Among my key tasks during the Mission were:-
- reviewing the following management contract documents relating to the Zambia Consolidated Copper Mines Limited Mine Townships Services Project prepared on behalf of the World Bank in order to ensure their conformity with Zambian Law, namely:-
 - Prequalification Documents for a performance-based management contract for the provision of water, waste water and solid waste services
 - Request for proposals for a Management Contract for the provision of water, waste water and solid waste services
 - The draft Management Contract for the provision of water, waste water and solid waste services

- Attending the mission appraisal meetings for the purpose of Reviewing the management contract documentation and providing appropriate legal input as the Zambian Legal Expert
 - Generally providing guidance to the mission upon various aspects of Zambian Law, to the extent relevant to the project
- 07/99-01/00 Served as Leader of the Legal Sub-Committee of the Zambia Consolidated Copper Mines Limited Mine Townships' Services Project team. Among the key responsibilities discharged by myself were:-
- undertaking general and extensive research into the general legal framework pertaining to water supply and waste water and solid waste management in Zambia's mine townships and preparing a written report which was presented to the project team and the World Bank pre-appraisal team.
 - preparing and submitting periodic discussion reports to the Project Team Meetings on relevant legal issues as mandated by the team to the legal sub-Committee of the Project Team
 - generally providing legal advice to the Project Team as regards various legal issues which had a bearing upon the implementation of the project including making recommendations on any desired legal changes in order to facilitate the project's successful implementation.
- July-Dec 99 Served as local Legal Expert and Leader of the Legal Sub-group of the Mine Townships Services Project of the Zambia Consolidated Copper Mines Limited. I provided varied legal advisory services pertaining to the restructuring of the Water Supply and Waste Water Management in targeted Mine townships in Zambia. I prepared and presented various reports to the Project team as well as a consolidated report to the World Bank Mission
- Apr 97-July 97 Provided legal advisory services to the Receivers of Premium Oil Industries Limited (in Receivership) in respect of the sale of the Company's assets to Amanita Premier Oils Limited and drafted all the necessary Agreements
- Jan 97-May 97 Engaged as Legal Advisor by Messrs Coopers and Lybrand to provide legal advisory services in relation to the restructuring of the National College for Management and Development Studies and the Management Services Board.
- Jan 96-Feb 96 Engaged as Legal Expert by Messrs Saur International of France to provide legal advisory services relating to the establishment of a bulk water supply company in Lusaka. I prepared a Report containing a review of all the relevant pieces of Legislation then existing and the proposed future legal and institutional framework for water supply in the area of Lusaka
- Nov '95 Engaged as Legal Expert by Messrs Coopers & Lybrand to draft the Legal Instruments relating to the Telecommunications Network Inter-connectivity

and Tariff Study in the Common Market for Eastern and Southern African (COMESA) member states as well as South African and Botswana

- May 95 Contracted as Legal Expert to provide legal advisory services to members of the Zambia Federation of Employers in relation to their proposals for the review of the Industrial and Labour Relations Act No. 27 of 1993
- Jul 94-Mar 95 Worked as Legal Expert to the Water Sector Development Group which was a multi-disciplinary group of experts attached to the Ministry of Energy and Water Development tasked with the responsibility of working out proposals for the restructuring of the water and sanitation sectors in the Republic of Zambia by the Government of the Republic of Zambia.
- Nov 94 Engaged as Legal Expert by the Coopers & Lybrand Team of Experts contracted by KFW of Germany to review the institutional framework of Chipata Water and Sewerage Company Limited. I undertook the review and made proposals for future changes
- Oct-Nov 94 Contracted as Legal Expert by Messrs Price Waterhouse to tender legal advice and prepare legal instruments required in order to facilitate the acquisition of international finance facilities by a number of Zambian Companies from a United States of America financial institution
- Sept-Oct 94 Engaged as Legal Expert to the GTZ/Coopers & Lybrand study involving a review of the legal issues relating to the institutional development of Lusaka Water and Sewerage Co. Limited. I undertook the review and submitted my report containing a number of recommendations
- June 94 Engaged as Legal Consultant (Local Expert) to the GTZ/Coopers & Lybrand Study involving an initial review of the legal and institutional issues relating to Lusaka Water & Sewerage Company Limited
- May-June 94 Worked as Legal Expert to the Interim Water Sector Development Group. My work involved identifying and analysing various pieces of Zambian legislation having a bearing upon the country's water and sanitation sectors as well as their impact upon the then proposed restructuring of the two sectors. I also made recommendations on what needed to be done in order for the restructuring to take place
- April 94 Worked as Legal Consultant (Local Expert) to the Price Waterhouse ZIMCO Phase II Project involving the restructuring of Zambia Industrial and Mining Corporation Limited (ZIMCO).
- March 94 Worked as the Legal Expert to the Interim Water Sector / Development Group (IWSDG), Ministry of Energy and Water Development. The IWSDG was a multi-disciplinary team of professionals which was involved in the then

proposed restructuring of the water and was sanitation sectors by the Government of the Republic of Zambia. Apart from providing legal advisory support to the team, my role also involved reviewing all the various pieces of Zambian legislation that had a bearing on the water and sanitation sectors of the Republic of Zambia and culminated in my preparing a Report which formed the legal basis/framework for the enactment of the Water Supply and Sanitation Act No. 28 of 1997.

UNPUBLISHED WORKS

- 1991 *“Workers’ Self-Management: A Zambian Experiment”*, a thesis in Management Studies submitted to the Faculty of Social Studies, University of Oxford in partial fulfilment of the requirements for the award of the *M.Phil. Degree* in Management Studies. The thesis was a product of in-depth research into the issues, advantages, problems etc relating to the involvement and/or non-involvement of workers in the management of the organisations or companies they work for
- 1986 *“Judicial Attitude Towards Executive Discretion under Preventive Detention Laws: The Zambian Experience”*; a long paper submitted to the Faculty of Law, University of Zambia, in partial fulfilment of the requirements for the award of the *Bachelor of Laws Degree*

SEMINAR/WORKSHOP PRESENTATIONS/PARTICIPATION

- 09/10/14 Presented a Paper entitled "*UNCERTAINTY AND/OR GAPS IN THE LAW AND THE ROLE OF A LEGAL PRACTITIONER AS A BUSINESS ADVISOR: THE CASE OF THE COMPANIES ACT, NO. 26 OF 1994 AND THE COMPANIES BILL. 2013*" at the Ministry of Justice Legal and Business Conference held at Chrismar Hotel, Livingstone, Zambia from 6th to 10th October, 2014
- 06.12.12 Presented a Paper entitled "*Lawyering with integrity: managing the genesis of client-instigated professional woes and troubles*" at a Law Association of Zambia seminar held at Savoy hotel, Ndola, Zambia
- 15.11.12 Presented a Paper entitled "*Lawyering with integrity: managing the genesis of client-instigated professional woes and troubles*" at a Law Association of Zambia seminar held at Radisson Blu Hotel, Lusaka, Zambia
- 31/08/11 Attended a training workshop entitled "*Role of the Board in Financial Control & Oversight, Financial Oversight & Reporting, Audit Committee Organisation & Role of Board in Risk Management*" organised by the Institute of Directors of Zambia
- 07/2011 Engaged as a Resource Person and presented Papers on "*Identifying and establishing the Optimal Form of Business Enterprise*" and "*Rights and*

Obligations of Shareholders/ Shareholders Agreements” at a Law Association of Zambia/Commercial Law workshop, Lusaka Zambia

- 09/2009 Prepared a presentation entitled “*The Lands Tribunal: Jurisdiction, Procedure and Practice*” for the 4th State Advocates’ Annual Workshop held at Livingstone – 27 September to 2nd October, 2009.
- 12.04.2008 Presented a paper entitled ‘*Why should a person make a Will*’ to members of the Professional Secretaries Association of Zambia, Lusaka Hotel, LUSAKA
- 02/12/2004 Served as a Resource person at a Law Association of Zambia workshop on “*Professional Ethics and the Legal Practitioners’ Practice Rules, 2002*”
- 04/2004 Engaged as a Resource Person for ‘Professional Conduct and Ethics for Legal Practitioners’ at a Training Workshop for State Advocates held at Siavonga. I also prepared a Reference Manual entitled ‘*Professional Conduct and Ethics*’ for use by the Workshop Participants.
- 04/07/2002 Presented a paper on ‘*The Role of Parliament in Zambia’s Constitutional Democracy*’ at a Workshop organised by the Oasis Forum and held at Mulungushi Conference Centre to mark the commencement of Constitutional Debates.
- 17/04/2002 Presented a paper entitled, ‘*Corrupt Practises in the Private Sector in Zambia: A Legal Perspective*’ at a one-day National Conference on “*Integrity in Business*” held at Lusaka, Zambia
- 12/2000 Made a presentation on ‘*Security Documentation for Bank Lending*’ to senior and middle management staff of Standard Chartered Bank of Zambia Plc
- 11/09/98 Presented a paper on “*The Zambian Arbitration Act*” at a Seminar funded by USAID and hosted by the Law Association of Zambia
- 04/06/98 Presented a paper on “*Arbitration in Zambia*” at a Seminar on “*International Commercial Contracts*” organised by the International Trade Centre of the United Nations Organisation and hosted by the Law Association of Zambia
- 15/11/96 Presented a paper on “*WHAT CONSTITUTES A FREE AND FAIR ELECTION?*” at a Law Association of Zambia Seminar whose theme was “*ELECTIONS AND YOU*”.
- 07/1995 Engaged as a Resource Person/Legal Consultant for a training workshop on “*Corporate relationships*” organised by Messrs Coopers & Lybrand for the Shareholders, Directors and Managers of Chipata Water & Sewerage Company Limited (at Chipata). I also prepared a manual entitled “The Legal Powers and roles of Shareholders, Directors and Managers” which was distributed among the participants

- 15/02/95 Conducted a one-day Lecture on the “*THE LAW OF CONTRACT*” as it affects the Engineering Profession to members of the Engineering Institution of Zambia (Pamodzi Hotel, Lusaka)
- Sept 1993 Resource Person, Seminar on various aspects of Human Rights, Livingstone organised by the Law Association of Zambia
- July 1992 I Presented a paper on “*POLICE AND HUMAN RIGHTS*”, at a Law Association of Zambia Seminar held at Lusaka, Zambia

PROFESSIONAL SEMINARS/WORKSHOPS/CONFERENCES ATTENDED

- 04/2003 *Delegate, 13th Commonwealth Law Conference, Melbourne, Australia*
- 02/2003 *Delegate, All-Africa Conference on Law, Justice and Development, Abuja, Nigeria*
- 09/2002 Participant, the Chartered Institute of Arbitrators International Entry Course. I was granted the Institute’s Associate Membership in February, 2003
- 05/2002 Participant, Court-Annexed Mediation Training Programme conducted by Messrs Chemonics International Inc. of U.S.A, at Livingstone, Zambia
- 06/2001 Participant, National Intellectual Property Seminar organised by the World Intellectual Property Organisation in conjunction with the Law Association of Zambia
- 08/02/95 Participant, Training Workshop entitled “*SUCCESSFUL NEGOTIATIONS: THE KEY TO PRIVATISATION*” organised by the Zambia Privatization Agency and conducted by Messrs Ostrer and Associates of the United States of America (Siavonga, Zambia) and was awarded a Certificate
- June 1993 Participant, Study Tour of Civic, Political and Law Enforcement Institutions in the Federal Republic of Germany
- Jan 1993 Participant, Training Workshop on “*THE LEGAL ASPECTS OF DEBT MANAGEMENT*” organised by the United Nations Institute for Training and Research in Windhoek, Namibia and was awarded a Certificate

COMMUNITY ACTIVITIES

I have appeared on various Programmes on *Television Zambia* including such popular Programmes as “Business Review” and “Topic”. In addition, I have regularly participated in civic awareness programmes organised by *The Law Association of Zambia* and *The Oasis Forum*

on “Human Rights”, “Review of the Zambian Republican Constitution” and other topical subjects on Television Zambia and Radio Phoenix. I have also participated in the Programmes and activities of ‘The Partnership Forum’.

MEMBERSHIP OF PROFESSIONAL BODIES AND HONORARY SOCIETIES

- Member of the Law Association of Zambia (President from May, 2002 to May, 2004)
- Member of the Zambian Branch of the Chartered Institute of Arbitrators
- Member of the Chartered Institute of Arbitrators - UK
- Alumnus, St. Cross College (University of Oxford – UK)
- Alumnus, Green Templeton College (University of Oxford – UK)
- Alumnus, King’s College, London (University of London - UK)

EXTRA-CURRICULA ACTIVITIES

AT OXFORD UNIVERSITY:

Member, *Africa Society* and *the Rhodes Scholars Southern Africa Forum*

AT LONDON UNIVERSITY

Member, Post-graduate Law Society

AT UNIVERSITY OF ZAMBIA:

President-General, University of Zambia Students’ Union which encompassed three Campuses, namely, Lusaka Main Campus, School of Medicine (Ridgeway Campus) and Ndola Campus (now Copperbelt University) and member of the University’s Council; Chairman University of Zambia Law Association; also served as Legal Advisor/Consultant to a number of student publications

AT MKUSHI SECONDARY SCHOOL:

School Prefect, Mkushi Secondary School News Letter Editor, Drama Club Treasurer – was voted best actor (1980/1981) and was the main actor in a play that was performed at the 1981 National Drama Festival which was subsequently selected for recording at Zambia Broadcasting Services Television studios. I was also Photography Club Treasurer and Chief Photographer, Chairman in charge of entertainment and a member of the School’s Debating Society

SPORTS

Playing Pool

HOBBIES/OTHER INTERESTS

Intellectual discourse, reading, watching soccer, listening to music, dramatic arts and

appreciating nature.

REFEREES

1. The Rt. Hon. Dr Justice P Matibini SC, Speaker of the National Assembly of Zambia
2. The Hon. Mr Justice Mumba Malila, SC, Judge of the Supreme Court of Zambia
3. Dr. T. Kankasa – Mabula
Deputy Governor
Bank of Zambia
LUSAKA
Tel: 228888
4. Mr. Christopher Mulenga
Partner/Director
Grant Thornton Associates
P.O. Box 30885
LUSAKA
Tel: 227722
E-mail: gt@gt.com.zm