



**Statement**

**By**

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**United Nations**

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**General Assembly**

**Agenda Item: The Rule of Law**

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**Mr. Chairman,**

Since this is my first time to take the floor, may I take this opportunity to congratulate you on your election to the chair of the 6<sup>th</sup> Committee. My congratulations also extend to all members of your Bureau. I have the confidence that you will provide the necessary leadership that will enable this committee to cover its set agendas and programmes successfully. You can count on my delegation's full support and cooperation. Malawi firmly believes that together we are stronger than when we operate separately.

Mr. Chairman, my delegation aligns itself with the statements made by South Africa and the Islamic Republic of Iran on behalf of the African Group<sup>and</sup> the Non-Aligned Movement respectively. Allow me Mr. Chairman to make a few remarks in my national capacity.

Mr. Chairman, the agenda item under discussion is of great importance to my country. Malawi has been independent for 52 years now and yet is nursing a nascent democracy that is only 22 years old. Our resolve and commitment to principles of democracy, the rule of law, respect for human rights, transparency and accountability is unequivocal. Having lived through 30 years of its independence as a one party state, Malawians through a national referendum in 1993 came out clear in expressing their desire for democracy characterized by the rule of law.

**Mr. Chairman**, Malawi is therefore committed to fulfill the aspirations of its people by strengthening its rule of law programmes and effect necessary reforms that ascertaining peaceful settlements of disputes, respect for human rights and fundamental freedoms, exercise dialogue and co-operation amongst stakeholders, solidarity and ownership of such rule of law programmes.

Malawi has found it pertinent to ensure that the government consistently adheres to the constitution with placed emphasis on ensuring the independence of the judiciary, since it is the Government's firm belief that the separation of powers enshrined in the Constitution must be jealously protected. In guaranteeing the genuine independence of the judiciary, the Government set up an independent Judicial Service Commission that is responsible for the appointment of all judges.

**Mr. Chairman**, this has also been extended to other key institutions tasked with the promotion of the rule of law. For example, the Directorate of Public Prosecutions (DPP) makes independent decisions in the execution of its prosecutorial decisions. So too do the Malawi Human Rights Commission and the Malawi Electoral Commission, they are given the space to conduct their constitutionally enshrined duties independently.

Malawi also has a very vibrant Malawi Law Society that has served to ensure that the legal profession remains independent. Weaving through all this is our endeavor to constantly guarantee meaningful and easy access to

justice, providing legal assistance to those who need it and our desire to be effective and efficient in our delivery of service and stem out all unnecessary delays in the handling and processing of cases.

**Mr. Chairman**, it is a known fact that legislative power belongs to Parliament that is burdened with the responsibility to making laws that conform to the principles of the Constitution. In the 22 years of the democratic dispensation the Legislative has executed its duties efficiently.

Malawi also has other key constitutional institutions. The Malawi Police Service is an independent arm of the executive that was established to serve, to protect the people and ensure public safety. In this regard, the Malawi government is involved in police reforms that are meant to balance the fulfillment of its mandate to maintain the country's peace and security and making certain that people fully enjoyed their rights and freedoms. It is an intrinsic balance that the government nevertheless is committed to attain. Amongst such reforms are the establishment of a professional standards unit, an internal disciplinary committee and the training of police officers in modern public order management skills.

The Malawi Human Rights Commission's primary function is the investigation of alleged violations of the constitutionally entrenched human rights and the protection of individuals. It is charged with the responsibility to make reasonable recommendations

necessary for the effective promotion of human rights. It has since 1998 played an effective leadership role in promoting human rights in the country and making recommendations for policy reforms.

**Mr. Chairman,** the Office of the Ombudsman, a constitutional body, established by the 1994 Constitution of Malawi, carries out investigations and litigations on government abuses or legal violations. It does this on behalf of individuals without other sources of redress. The Malawi Law Commission is charged with the power to review laws of Malawi so as to ensure that they are in accordance with the constitution and relevant international laws.

**Mr. Chairman,** Malawi is committed to fulfill international legal obligations, including human rights and reporting obligations. At the same time we recognize our need for support from the United Nations and other international co-operating partners so as to strengthen our efforts in the promotion of the rule of law and human rights in Malawi. We need support in the implementation of essential reforms that include the strengthening of judicial independence, the independence of the legal profession and institutions, and the provision of appropriate human rights training for the police and judicial officers.

Our media and civil society also needs to be assisted to provide coherent and accurate reports and analysis of violence, human rights violations and threats to the rule of law in the country.

**Mr. Chairman,** Let me conclude by saying, Malawi strongly believes that the rule of law is not a luxury and that justice is not a side issue. Indeed, we need to take a comprehensive approach to justice and the rule of law. The rule of law, as we all know, is a cornerstone of democratic governance and legitimate governmental authority. It is our commitment to ascertain that our national laws and the justice system provide the foundation for both individuals and community to claim and demand their human rights as laid down in international, regional and national instruments.

**I thank you.**