



MALAWI LAW COMMISSION

**CONSTITUTION REVIEW CONFERENCE
28TH – 31ST MARCH, 2006
CAPITAL HOTEL, LILONGWE**

COMMENTS BY MR M.E. SHUMBA:

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(Issues from the Floor)*

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BY

M.E SHUMBA

ISSUES FROM THE FLOOR OF THE CONFERENCE

I request an opportunity to speak to three important issues for the Conference to consider.

PREAMBLE

A brief preamble is necessary by way of introducing the three issues below:-

1. This Conference is in agreement that Malawians share a common past and should own that past.
2. This Conference is a very rare opportunity for all of us. We would do well to reflect on our individual and collective attitudes. If this Conference is to be a turning point, which I believe is our collective goal, we must agree to shape a better tomorrow by recognizing and correcting errors of yesterday.

Issues

(a) Chichewa / Chinyanja as a National Language

Facts back the view that to-day Chichewa / Chinyanja is spoken and understood all over Malawi and a decision to declare it a National Language of Malawi on that basis is a logical conclusion which might be accepted by most if not all Malawians in areas where Chichewa / Chinyanja is not a mother tongue. I would have no difficulty with such a decision. However, the manner in which the National Language is to be used must be handled with great care. In my view, it would be inappropriate to ban other Malawian languages because Chichewa / Chinyanja is made a National Language. I would appeal to this Conference to assure the nation that other languages will continue to be used in our education system. If a decision will be made at sometime that the National Language should be used in Parliament, I

suggest that this Conference should recommend that other languages could also be used as a medium of communication in the august House. Such an approach would greatly assist in promoting the acceptability of Chichewa / Chinyanja as a the National Language in those areas where it is not a mother tongue as people would not see it as an imposition.

(b) The Legal Aid Department

This Conference should consider ways of assisting the majority of our citizens to effectively access justice in modern Malawi where litigation through courts of law requires the help of trained lawyers. Matters of litigation are complex and expensive. I would request that competent authorities in the legal fraternity be requested to explain to the Conference how justice for all can be realized in Malawi today with reference to the role of the Legal Aid Department which, by the way, does not have offices in Mzuzu.

(c) The National Compensation Tribunal

The National Compensation Tribunal was set up to assist those of our citizens who were detained without trial through compensation and /or reparations. In the ten years of its existence, about 10% of the 25,000 affected individuals received compensation. Reparations appear not to have been effected at all. The question to this Conference is, what is to be done for those affected individuals who, through no fault of their own, did not receive compensation or get any other form of reparation. There is need to revive the National Compensation Tribunal to deal with the outstanding cases otherwise the courts will be flooded with claims endlessly.

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