

**THE CONFERENCE AND ANNUAL GENERAL MEETING OF THE
SOUTHERN AND EASTERN AFRICA CHIEF JUSTICES' FORUM
(SEACJF) HELD IN GABORONE, BOTSWANA FROM THE 07TH TO THE
12TH OCTOBER, 2025**

REMARKS BY THE CHAIRPERSON OF THE FORUM

Mr. President and Advocate Duma Gideon Boko, and Head of State of the Republic of Botswana, Members of Parliament and Cabinet Ministers present, the Honourable Chief Justices in attendance, Honourable Judges from all jurisdictions, Your Worships the Magistrates, International Commission of Jurists (ICJ), Kenya Section, Africa Judges and Jurists Forum (AJJF), Yiaga Africa, Africa Electoral Justice Network (AEJN), Synergy International Systems, Senior Government officials present, the Secretariat of the Forum and Local Organizing Committee, Members of the Southern and Eastern Africa Judicial Administrators Association and All Protocol observed, Ladies and Gentlemen.

- 1. Mr. President and Advocate, as Chairperson of the Forum, I wish to thank you and your Government for allowing the Forum to hold its Conference and Annual General Meeting in this beautiful city of Gaborone. We bring with us warm greetings from our various governments and jurisdictions who are members of the Forum. We further wish to extend our sincere gratitude to the Judiciary and people of the Republic of Botswana for the warm African hospitality which has been extended to the Forum since our arrival. To that extent I wish to express my deepest gratitude to His Lordship, Mr Justice Gaoapelwe Gee Ketlogetswe, the Chief Justice of the Republic of Botswana with the financial assistance of the Government for graciously hosting this year's conference and providing the necessary facilities and a conducive environment which is essential to the success of the Conference and Annual General Meeting.**
- 2. Mr. President and Advocate, as a Forum of the Southern and Eastern Africa Chief Justices' Forum we wish to congratulate you for a historic and democratic success in the recent past national general elections. We are hopeful that the general electorate of this beautiful country will give you the same political victory in the next coming general elections. Your**

speech at the United Nations General Assembly in New York recently was a huge political victory for the African people and the global community. Your speech has made you as one of the Pan African Leaders to have graced this African Continent. Your economic policies which you have introduced will take this country to greater heights. We salute you Mr. President together with other Political Icons such as the Founding Fathers of the Republic of Botswana.

- 3. The Forum was established in 2003 in recognition of the important role that Judiciaries play in the administration of justice. The main objectives of the Forum are as follows: Firstly, to promote, protect and defend the independence of judiciaries in Southern and Eastern Africa. Secondly, to promote the Rule of Law, human rights and access to justice for all. Thirdly, to develop guidelines on the protection of the independence of the judiciary, including the fair and transparent judicial appointment processes. Fourthly, to promote and protect the welfare and dignity of judges in the member countries. Fifth, to promote the interests of the judiciaries of member countries, and where it is considered appropriate to do so, of any other judiciary in any region. Sixth, to foster active**

participation in the African Union in furtherance of the African Union objective of ensuring Africa's integration and sustainable development. Seventh, to promote effective co-operation and collaboration with global structures such as the World Conference on Constitutional Justices (WCCJ), the International Commission of Jurists (ICJ), the Conference of African Constitutional Jurisdictions (CJCA) and other United Nations Agencies.

4. Mr. President and Advocate we meet here today in Gaborone at a time when the African continent is suffering the effects and consequences of imperialism, colonialism and Neo-colonialism. The masters of imperialism continue to plunder the natural resources and minerals of the African continent and this has caused untold suffering to the people of Africa. The continued plunder of our natural resources has caused high levels of poverty and untold suffering to the African people notwithstanding that the continent is endowed with many natural resources. It remains a historical mystery that whilst the African

continent is so rich in natural resources but it remains the most poverty-stricken continent in the World.

5. We note with concern the ongoing genocide in Gaza and the West Bank and the killing of innocent civilians including women and children coupled with the failure and lack of political will of the United Nations to intervene and stop the carnage and human suffering. This is a genocide against unarmed civilians. This is a genocide which is supported by the greatest democracy in the World. There is an urgent need for the reform of the United Nations Security Council to allow the African continent to have its representation on a permanent basis with the African Union electing its representatives to the Council and The Veto Power of the five permanent members of the Security Council should be removed which is the cause of the carnage and human suffering worldwide. During this Conference, the Forum will discuss a very pertinent theme of “*Judicial*

Independence and Accountability in Safeguarding the Rule of Law". We acknowledge as a Forum the constitutional duty of Judges not only to advocate for the doctrine of Judicial Independence but to be accountable to the members of the public which they are called upon to represent. Judiciary corruption in any form should not be tolerated.

6. As we celebrate this day we should acknowledge the reality that the Charter of the United Nations is ineffective. The Charter constitutes the Foundational Treaty of the United Nations. The Charter mandates the United Nations and its member states to maintain international peace and security, uphold international law and promote universal respect and observance of fundamental human rights and freedoms for all without distinction. As a Charter and constituent treaty, its rules and obligations should be binding on all member states and supersede those of other treaties. However, the genocide that is committed in Gaza and the West Bank is testimony enough that the United Nations is not living up to its obligations.

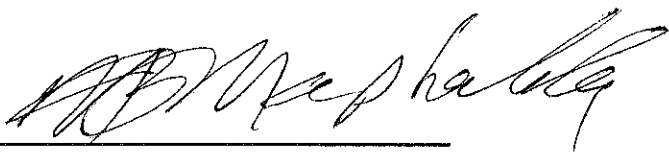
- 7. The United Nations Charter embraces the Principle of the sovereign equality of all its members as well as self-determination; however, this principle is not observed by the United Nations pursuant to the provisions of the Charter. The Charter embraces the Security Council as one of its principal organs with five permanent members having veto powers, and, this provision negates the principle of the sovereign equality of member states. Accordingly, the Security Council is not capable of executing its mandate of maintaining international peace and security objectively without the embracing the individual narrow interests of the permanent members of the Security Council using veto power.**
- 8. Furthermore, the Universal Declaration of Human Rights together with the International Covenant on Civil and Political Rights have not benefited the African continent, the people of Gaza, the West Bank, the Sudan as well as the developing world notwithstanding the existence of the International Court of Justice which is another Principal Organ of the United Nations. In terms of Article 59 of the Rome Statute of the International Court of Justice, the Court's decisions are binding on the parties with respect to the particular case; however, you are all witnesses**

that the decisions of the International Court of Justice are ineffectual because the Court lacks the enforcement mechanism to execute its decisions.

9. Member states of the African Continent have succeeded in obtaining their political independence from colonialism and imperialism, however, the economic independence of the African people remains a hollow dream due to Neo-colonialism. The colonial masters have returned to Africa to loot the natural resources of the African people leaving them in abject poverty. What is happening in the Democratic Republic of Congo (DRC), Libya and many other affected African countries explains the puzzle why the African people remain poor when the continent is endowed with so many natural resources. Last week in Morocco I experienced first-hand the Democratic Republic of the Congo signing and concluding mineral agreements with foreign companies from the former colonial masters, and, this episode was pain-staking.

10. The criticism against the International Criminal Court is that Member states of the United Nations Security Council are not party to the Rome Statute even though they have an interest in the enforcement of the Rome Statute. African countries perceive the International Criminal Court as pursuing a selective approach to justice by targeting primarily Africans whilst ignoring other international crimes perpetrated by powerful Western Nations. Accordingly, African countries perceive the International Criminal Court as a repressive tool of Western Neo-colonialism. Such a perception underlines and explains why the African Union did not co-operate with the International Criminal Court to the indictment of the former President of Sudan.

11. Mr President and Advocate let me thank you again for gracing this occasion and further allowing the Forum to hold this event in this beautiful city of Gaborone. May the Almighty God bless us all. To God be the Glory now and forever.



M. C. B. MAPHALALA

**HONOURABLE CHIEF JUSTICE OF ESWATINI AND CHAIRPERSON
OF THE SEACJF**