

**WELCOME ADDRESS BY THE PRESIDENT OF  
SADC TRIBUNAL, HIS EXCELLENCY JUSTICE  
DR LUIS ANTONIO MONDLANE**

**HONOURABLE DR ALBERT KAWANA, MP, MINISTER OF  
PRESIDENTIAL AFFAIRS AND ACTING ATTORNEY-GENERAL**

**HIS EXCELLENCY DR TOMÁS AUGUSTO SALOMÃO,  
EXECUTIVE SECRETARY OF SADC**

**HONOURABLE MINISTERS, DIGNITARIES**

**YOUR EXCELLENCIES MEMBERS OF THE DIPLOMATIC  
CORPS**

**FELLOW JUDGES OF SADC TRIBUNAL**

**DISTINGUISHED REPRESENTATIVES OF THE SADC  
LAWYER'S ASSOCIATION**

**MEMBERS OF THE LAW SOCIETY, ACADEMIA AND LAW  
PROFESSIONALS**

**MEMBERS OF THE PRESS**

**FELLOW CITIZENS OF SOUTHERN AFRICA**

**LADIES AND GENTLEMEN**

***Eles não sabem que o sonho***

***É uma constante da vida***

***Tão concreta e definida***

***Como outra coisa qualquer***

***(...)***

***Eles não sabem, nem sonham,***

***Que o sonho comanda a vida,***

***que sempre que um homem sonha***

***O mundo pula e avança***

***Como bola colorida***

***Entre as mãos de uma criança. <sup>1</sup>***

**FREE TRANSLATION:**

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<sup>1</sup> António Gedeão: Pedra Filosofal, in Movimento Perpétuo, 1956

**They do not know that dream**

**Is constantly present in life**

**So real and defined**

**As anything else**

**(...)**

**They do not know not even dream**

**That dream commands life**

**Whenever a man dreams**

**The world jumps and progress**

**Like a colorful ball**

**At the hands of a child.**

**I have the honour and privilege to welcome Your Excellencies, Dignitaries and distinguished guests, on behalf of Members, Staff and on my own behalf, to the Commemoration of the SADC Tribunal day.**

**We deeply appreciate your attendance to celebrations of the 3rd Anniversary of SADC Tribunal. The Tribunal is still at an infancy stage. Three years are almost insignificant to the life of an institution. However, one can say that this is indeed the reach point of long march to independence, economic, social and cultural development, Rule of Law, democracy, human rights and justice.**

**SADC Founding Fathers had a clear vision of prosperous and developed people in the region, across Africa and the world at large. Its materialization started long ago and one has not to dwell on this issue but simply to highlight major steps:**

- a) First, the creation of (Southern African Development Coordinating Conference (SADCC). Heads of State and Government of nine States and one then occupied territory of Southern Africa namely Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, Tanzania, Swaziland, Zambia and Zimbabwe signed the Lusaka Declaration establishing the SADCC on 1<sup>st</sup> April 1980. Member States were then represented by respective Heads of State and Government: Jose Eduardo dos**

**Santos, Seretse Khama, Samora Moises Machel, Julius Kambarage Nyerere, Kenneth Kaunda, Robert Gabriel Mugabe, Mabandla Dlamini, Mooki Molapo and Dick Tennyson Matenje;**

**b) Second, Heads of State and Government concluded the Treaty establishing Southern African Development Community (SADC), an instrument signed in Windhoek on August 18<sup>th</sup>, 1992.**

**c) Third, on the SADC Summit Jubilee, held in Gaborone, Botswana on 18<sup>th</sup> August 2005, Heads of State and Government appointed Members of the SADC Tribunal thus launching the operation of the Community Judicial body. On the following November 18<sup>th</sup>, the inauguration ceremony of SADC Tribunal and swearing in ceremony of Members took place in Windhoek, Namibia, the seat of the Tribunal.**

**The Founding Fathers dreamt of a peaceful, stable and developed region, their successors had and still continue to have dreams tuned in time and space with the projection of the most profound aspiration of peoples of Southern Africa.**

**It is, therefore, a matter of justice to salute their efforts on the first public celebration of the SADC Tribunal day. Some of them are no longer with us: Seretse Khama, Samora Machel, Julius Nyerere and recently Dr. Levi Patrick Wanawasa, the late President of the Republic of Zambia and former Chairperson of Summit. At this memorable occasion I would like to propose that this august gathering celebrate their lives and achievements not with the traditional minute of silence but with loud and standing ovation. In so doing we seek guidance and inspiration through their life dedicated to the region and renew our commitment to materialise their dreams represented today by common aspirations of people of the region.**

**It is our goal that SADC Tribunal be truly indeed turned into a place where everyone seeking justice or in need to redress rights violated walk away at the end in peace regardless of his or her race, gender, creed or religion, ethnic, social and cultural origin.**

**Justice is commonly represented by a woman with folded eyes, a sword in one hand and a scale in another. This is the**

**ancient god of justice, *Themes*. Reasoning behind folded eyes was to stress the blindness of justice in the sense that it does not take into account social and cultural condition of the defendant. I contend, however, that justice delivered in this House is not blind and neither has its eyes folded. It is not deaf or anyway insensitive to claim and thirst for justice of the least favoured or even oppressed people. It does not fear the mighty or wealthy but it also does not favour any one. It is only guided by principles of fairness equity and justice.**

**HONOURABLE MINISTER**

**YOUR EXCELLENCIES,**

**DISTINGUISHED GUESTS,**

**LADIES AND GENTLEMAN**

**At the inauguration ceremony of the Tribunal House, His Excellency the Prime Minister of Namibia, Nahas Angula, warned against the danger of transforming the SADC**

**Tribunal into a white elephant. In the same direction aligned Her Excellency the Minister of Justice Pendukani Ivula Itana at the signing of the Host Agreement and handing over the building to the tribunal.**

**I am pleased to say that such wise words did fall into unfriendly ground infertile soil. Citizens of Southern Africa demonstrated their will to pursue justice at regional level. This explains the reason why before the completion of the first year of operation the tribunal received the first cases. From September to December 2007, three cases were lodged at the SADC Tribunal. In 2008, up to the present, 14 cases had entered in the tribunal.**

**One has to recall that the court building was then damaged by fire, the court room and offices destroyed. We could not tell people to come later on when conditions have improved.**

**I would like to publicly acknowledge prompt assistance and solidarity that the tribunal received from the government of Namibia. I also commend its redness to restore the building to the previous position before fire, thus honouring its**

**commitment towards SADC. The Government accomplished such promise in time and the tribunal witnessed an interesting scene of *Phoenix* putting up together from ashes.**

**I also extend this gratitude to Honourable Chief Justice of Namibia, Peter Shivute for his helping hand to the SADC Tribunal. He made available court room and other amenities for the tribunal to conduct its judicial duties. As a result, first court hearings took place at the Supreme Court from December 2007 to September 2008.**

**From the very beginning, the SADC Tribunal set up priorities for its operation as follows: recruitment of staff for both regional and local positions; creation of enabling environment for the smooth operation of the court and last but not least, training of Members and staff. The first task was concluded as for the interim structure is concerned on December 2006 with the swearing in of the Registrar. The second and third are still in progress. Regarding training for Members the tribunal organized a study tour to relevant institutions such as the International Court of Justice, the European Court of Justice, and the European Court of**

**Human Rights. The idea was to expose them to the work of such judicial institutions.**

**HONORABLE MINISTER**

**YOUR EXCELLENCIES,**

**DIGNITARIES**

**LADIES AND GENTLEMEN**

**The progress made up to the present was only possible through full support that the tribunal received both from the Community itself and from international cooperating partners. It is common understanding that courts are the last chain in the process of dispute resolution. This explains the reason why traditionally courts reserve themselves to react only when parties lodge cases. The SADC Tribunal cogently chose a different position that is to take initiative (pro-active) in sensitizing people to the role of this judicial institution. Accordingly a number of workshops took place involving judiciaries, law professionals, law societies**

**including the SADC Lawyer's Association, academia etc. At this point, I am pleased to convey our profound gratitude to stake holders, Member States and international cooperating partners who rendered material and financial support to the initiative. I do believe that those who attended such events will in turn disseminate information about SADC Tribunal.**

**The need to explore all sort of mechanisms in disseminating information about SADC Tribunal as well as training does not require justification. The tribunal emulate efforts directed at the creation of centres of SADC Law studies in Member States and also envisage the possibility of providing a room for students, particularly at post graduation courses to undergo internship at the court.**

**YOUR EXCELLENCIES,**

**LADIES AND GENTLEMEN**

**The SADC Tribunal was instituted under Article 9 and 16 of the Treaty to ensure adherence to and the proper interpretation of the provisions of the Treaty and subsidiary instruments and to adjudicate upon such disputes as may be referred to it. This mission stated by the Treaty and Protocol on SADC Tribunal and Rules of Procedure poses a great deal of challenges to the court itself, to court users and to the Community.**

**I will start with challenges before court users. The seat of court is the City of Windhoek, Namibia. Distance alone can amount to limitation to access to justice. Very often citizens of Southern Africa find themselves caught in almost impossible mission to travel to the capital city of a given State let alone to travel within the region. Member States, civil societies must find imaginative ways to render possible access to regional justice for all, regardless of their economic condition. At this particular aspect, the tribunal will work on ways and mechanisms to ensure accessibility to court. Modern tools of information, communication and**

**technology can be used at their maximum capability to cut on travel costs just for lodging a case with the tribunal.**

**Paucity of material and financial resources is an additional challenge to be duly regarded. A house of justice such as the SADC Tribunal must be supported by a house of knowledge. Apart from financial constrains limited space is an additional challenge.**

**Lastly the need to revisit legal instruments such as the Treaty and Protocol on SADC Tribunal is an important task to be performed by Community institutions.**

**HONOURABLE MINISTER**

**YOUR EXCELLENCY EXECUTIVE SECRETARY**

**DISTINGUISHED GUESTS**

**LADIES AND GENTLEMEN**

**To sum up, let me assure you and through you, Honourable Minister, to all citizens of Southern Africa that Members and Staff of the SADC Tribunal dedicate their energy in the process of delivering justice and serve with proud, diligence and readiness efficiency.**

**I THANK YOU!**

**JE VOUS REMERCY!**

**MUITO OBRIGADO!**