



Justice, Honour and Integrity

MEMORANDUM

TO: ALL COUNCIL MEMBERS
FROM: THE VICE-PRESIDENT
SUBJECT: LAZ POSITION ON THE APPOINTMENT OF MR. LIKANDO KALALUKA AS ATTORNEY-GENERAL OF THE REPUBLIC OF ZAMBIA

Thank you all for your submissions on this issue of national importance we have debated long and hard but finally we have come to an agreed position by electronic poll. You will recall that this was necessitated by the fact that we were unable to form a quorum in yesterday's meeting so the meeting resolved to get the views of all Council members. I must also add that Parliament refused to give us an extension to make our submissions before the Parliamentary Select Committee which will hear us at 09:50 hours on Wednesday 18th March 2015 so there was no time to convene another meeting.

In respect of the issue raised by Mr. Kafula Mwiche that resolutions of the Council require unanimity I would like to refer the Council to the Law Association of Zambia (General Rules) 1996 otherwise referred to as SI 155 of 1996 which states as follows:

*12 (6) A decision of the Council on any question shall be **by the majority of the members present** and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.*

There are 16 members of Council and the Council agreed that as a conflicted party, Mr. Kalaluka should not participate in the voting on the issue. I will refer the Council to Rule 14 of SI 155 of 1996 which states as follows:

14 (1) If a member is present at a meeting of the Council or any committee of the Council at which any matter is the subject of consideration and in which matter the member is the subject of consideration and in which matter the member's spouse is

directly or indirectly interested in a private capacity, he shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Council otherwise directs, take part in any consideration or discussion of, or vote on, any question touching such matter.

That left 15 members of Council eligible to vote. The vote went as follows:

Council members for the appointment -

1. Mr. Mwenya
2. Mrs. Pixie Yangailo
3. Mr. Mando Mwitumwa
4. Mr. Mutakela D. Lisimba
5. Mr. Clement Tafeni
6. Mr. Prosper Muyatwa
7. Mr. Suzgo Dzekedzeke

Council members against the appointment -

1. Ms. Linda Kasonde
2. Mr. Kafula Mwiche
3. Mrs. Sashi Kateka
4. Mr. Landilani Banda
5. Mr. Eddie Mwitwa
6. Mr. Munakopa Sikaulu
7. Mr. Enias Chulu

Mr. George Chisanga abstained as he felt he was conflicted over this matter.

In the absence of Mr. Chisanga's vote the votes were tied at 7:7. As the presiding officer over this issue, I exercised my powers under Rule 12(6) of SI 155 of 1996 and made the casting vote against the appointment of Mr. Kalaluka as Attorney-General of the Republic of Zambia. That being the case, the majority of Council members voted against the appointment of Attorney-General of the Republic of Zambia, and the reasons cited by State Counsel and Council members in the meeting on Monday 16th March 2015 and in the subsequent emails against the appointment were put forward to the Parliamentary Select Committee.



Linda Kasonde
VICE-PRESIDENT - LAZ