

WELCOMING SPEECH BY THE PRESIDENT OF THE TANGANYIKA LAW SOCIETY FELIX G. KIBODYA, ADVOCATE AT THE ANNUAL CONFERENCE OF TLS HELD ON FRIDAY 18TH FEBRUARY 2011 AT AICC ARUSHA.

Hon. Mohamed Chande Othman, Chief Justice of Tanzania,

Hon. Aisha Nyerere Judge in-charge, Arusha,

Former Speaker of Parliament Hon. Pius Msekwa,

Invited Guests

Learned brothers and sisters,

Ladies and Gentlemen!

My Lord,

On behalf of the Governing Council of Tanganyika Law Society, and indeed, on behalf of the entire TLS membership, I respectfully express collective and unqualified gratitude to your Lordship, for accepting our invitation to attend this August assembly. I do recall, the invitation was made *suo mottu* at the Karimjee Grounds on 17th December 2010 during admission ceremony of 431 new advocates amidst scorching sun and, not to you personally, but to Hon. Augustino Ramadhani C.J. (as he then was). When the Governing Council paid courtesy call immediately after your appointment as Chief Justice, I raised the invitation but this time around, as an obiter, because I raised the matter as we were heading

for group photograph. This notwithstanding, in a matter of just few days, you confirmed your attendance and your readiness to deliver the Key Note Address. You did this by telephoning me personally.

My Lord, we are gratified.

My Lord,

I take this opportunity to welcome representatives of sister bar associations in the region. I specifically recognize the presence of..... Needless to say, their presence here is a result of, I dare say, long age tradition which we are accustomed to in the region. To all our guests, I say in Kiswahili, the lingua franca of the EAC, *Karibuni sana, mjisikie mko nyumbani*.

My Lord,

It might not be late, for the legal fraternity to formally, and in befitting occasion, to congratulate you for ascending to the highest office in the temples of justice, namely as the Chief Justice of the United Republic of Tanzania. We wish you all the best in a well deserved appointment and we confirm our unwavering support both to you and your office in the pursuit of rule of law and independence of the Judiciary.

My Lord,

I dare say history is in the making. For, in my hazy recollection, this is the first time the Chief Justice of Tanzania has been invited and has accepted to deliver Key Note Address at the Annual Conference of the Society. Last year, also in this venue, for the first time in the history of the society, we were privileged by the presence of the Speaker of the National Assembly, your Predecessor, Minister of Constitutional affairs and Justice, Chairman National Elections Commission, among other public figures. At the Half Annual General meeting held in Dodoma in August 2010, we were also privileged, again for the first time, when the President of the United Republic of Tanzania, H.E. Dr. Jakaya Mrisho Kikwete accepted our invitation and he delivered Key Note Speech.

Are these events a mere coincidence? Is it fate or rate? I am inclined to think otherwise. In recent past, the Governing Council took a bold and but strategic decision to ensure that in as much as the TLS primary objective is to support its members, it has another and equally primary duty to the public. The public include our people and those given mandate to discharge public duty. I can confirm here today that , now TLS is not viewed as an exclusive club of the legal nobility but as society whose Mission is firmly anchored onto the rule of law, access to justice and good governance so much such that difficult questions are now being asked by the public: *Mlikuwa wapi siku zote?* (Where were you all this time?) *Mbona mnadandia hoja za wenzenu?* Of course, such formidable questions do not yield easy answers but I can assure you my Lord, now we are in the right course.

My Lord,

Let me give a brief account to the genesis of today's Theme: *Constitutionalism and Constitution Making in Tanzania*. At our Half General Meeting that was held in Dodoma, a matter touching on the constitution was discussed. It related to the impact of the constitutional amendments that were made by the House of Representatives in the Zanzibar constitution and its impact to the Constitution of the United Republic of Tanzania of 1977. Members tasked the Council to initiate dialogue based on research whose main output will be to reveal the gaps in the two constitutions especially the Union Constitution. The project was entrusted to our Standing Law Committee.

At the same HAGM, I reported to members the resolve of the Governing Council to apply to the National Elections Commission for observer status during the October General Elections. For the first time, the NEC granted us with observer status. Consequently, TLS deployed about 200 of its members in 10 regions of mainland Tanzania. Subsequently, I issued a report of our findings. Some of the findings relate to the deficiency or gaps both in the Constitution and our laws. The Report sparked off intense media attention. Hence the question that was raised: *Mlikuwa wapi siku zote?* In view of the overwhelming demands for a comprehensive constitutional review, the TLS Governing Council resolved that TLS should take leadership on this important matter. In arriving at that position, we are minded by similar situation across the border. I hasten to add, the Council resolution will be tabled tomorrow at the AGM for members adoption.

My Lord,

Against this background, the Council decided that the Theme of this year's conference be Constitutionalism and Constitution Making in Tanzania. We are mindful of similar initiatives by other stakeholders such as the University of Dar es Salaam. On our side, we decided to invite eminent constitutional law scholars within the East African and Southern Africa region. In this regard, I will take the liberty of mentioning first your own presence, Prof. Issa Shivji, Prof. Sempebwa, Prof. Yash Ghai, Hon. Justice Werema, the Attorney General among the legal luminaries if not authorities in constitutional law, not forgetting the entire contingent of the legal practitioners in Tanzania, present.

My Lord what a Team!

My Lord, passion and expectations are high. Let me end here.

Now, with humility my learned brothers and sisters present are much obliged for me to seek your Lordship's indulgence to gracefully take your position at the podium and deliver the eagerly awaited Key Note Speech.

Ladies and Gentlemen, the Chief Justice of the United Republic of Tanzania.