



SECOND AFRICAN JUDICIAL DIALOGUE
"CONNECTING NATIONAL AND INTERNATIONAL JUSTICE"
NGURDOTO MOUNTAIN LODGE ARUSHA, TANZANIA
4 - 6 NOVEMBER 2015



THE WORLD BANK
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FINAL COMMUNIQUE/ OUTCOMES OF THE
2ND AFRICAN JUDICIAL DIALOGUE ON THE THEME
"CONNECTING NATIONAL AND INTERNATIONAL JUSTICE"

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ARUSHA, THE UNITED REPUBLIC OF TANZANIA

1. The African Court on Human and Peoples' Rights (the African Court), in collaboration with the World Bank, the European Union (EU) the German Cooperation (GiZ) and the Judiciary of Tanzania, organized under the auspices of the African Union, the 2nd African Judicial Dialogue on the theme "Connecting National and International Justice", from 4-6 November, 2015, in Arusha, Tanzania.
2. The overall purpose of the Judicial Dialogue was to provide participants with a forum to discuss and share experiences between continental, regional and national courts, particularly in the application and interpretation of the African Charter on Human and Peoples' Rights and other continental and international human rights instruments, as well as enhance access to justice on the continent.
3. The specific objectives of the Dialogue were to:
 - i. Promote procedural reforms and innovations that enhance access to justice and ensure protection of human and peoples' rights;
 - ii. Examine whether and how the establishment of special court divisions can contribute to enhancing access to justice and the protection of human and peoples' rights;
 - iii. Assess approaches to incorporating technology in court processes to enhance access to justice and protection of human rights;
 - iv. Examine recent trends and developments in human rights jurisprudence on the continent;
 - v. Encourage the adoption of quality management systems for courts as a means to ensure quality justice;
 - vi. Develop and assess formats, methodologies and resources for continuing judicial education;
 - vii. Share experiences and best practises of other regional blocs on ensuring compliance with decisions of international courts through national courts; and

- viii. Share the approaches of other regions in setting up continental judicial networks, with a view to adopting the best methodology for the establishment of a judicial network in Africa.
4. The Dialogue was attended by a total of 197 participants, including 10 Judges of the African Court, 109 Chief Justices, Presidents of Supreme and Constitutional Courts and representatives of national judiciaries from 44 African Union Member States, the President, Prosecutor and Registrar of the International Criminal Tribunal for Rwanda/ the Mechanism for International Criminal Tribunals, the President of the Trial Chamber and Prosecutor of the African Extraordinary Chambers in the Courts of Senegal, 9 Judges from the Courts of Regional Economic Communities being the Common Market for East and Southern Africa Court of Justice, the East African Court of Justice, the Community Court of the Economic Community of West African States, 3 academic institutions being the African Centre for International Law Practice, Tumaini University Makumira and the Rajiv Gandhi National University of Law and 7 Observers (World Bank, EU, GiZ, Pan African Lawyers' Union, the Office of the High Commissioner for Human Rights – East Africa Regional Office, East African Law Society and the Coalition for an Effective African Court).
 5. The countries represented at the Judicial Dialogue were: Algeria, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Niger, Nigeria, Republic of Congo, Rwanda, Sahrawi Arab Democratic Republic, Seychelles, Sierra Leone, Somalia, Sudan, South Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe.
 6. In addition to the African Court, other African Union Organs represented at the Dialogue were; the Permanent Representatives Committee (represented by its Chairperson), the African Union Commission, the African Union Commission on International Law, the Pan African Parliament and the African Union Advisory Board on Corruption.
 7. The Opening Ceremony of the Judicial Dialogue was graced with the presence of His Excellency Mizengo Kayanda Peter Pinda, the Prime Minister of the United Republic of Tanzania, who delivered the Keynote Speech.
 8. Statements were also delivered at the Opening Ceremony by Her Excellency Dr. Aisha L. Abdullahi, Commissioner for Political Affairs, African Union Commission, Mr. Hassane Cisse, Director, Governance, World Bank, Justice Godfrey G. Chidyausiku, the Chief Justice of Republic of Zimbabwe, Justice Mohammed Chande Othman, the Chief Justice, United Republic of Tanzania and Justice Augustino S. L. Ramadhani, President of the African Court.

9. In the statement of Her Excellency Dr. Abdullahi delivered on her behalf by Dr. Khabele Matlosa, Director – Department of Political Affairs of the African Union Commission, she reiterated the commitment of the African Union to the promotion and protection of human rights on the African Continent. She stressed the 8 aspirations voiced by African stakeholders consulted during the development of Agenda 2063, Africa’s continental roadmap for development. She also observed that the aspirations of Africans are being actualized through the implementation of the Human Rights Strategy for Africa and the evolving Transitional Justice Policy Framework.
10. In his statement, Mr. Cisse noted the close link between development and human rights, observing that justice can be used as a tool to eradicate poverty. He observed that the World Bank recognized that effective judiciaries could play an important role in contributing to peace and security on the continent. Mr. Cisse concluded by noting that the Judicial Dialogue would improve knowledge of the participants, access to justice, links between judiciaries and strengthen judicial independence.
11. In his statement of support, Justice Chidyausiku thanked the African Court and the United Republic of Tanzania for hosting the Dialogue observing that it provided a forum for discussion on common challenges as well as an opportunity to fashion shared solutions. He concluded by wishing the participants meaningful discussions.
12. In the statement of Justice Othman delivered on his behalf by Justice Stella Mugasha, Judge of the Court of Appeal of Tanzania, Justice Othman observed that many of the themes of the Dialogue were relevant to African countries. Justice Othman observed that judicial reform was a continuous and long term process which was dependent on an interlocking engagement with the government, law enforcement agencies and the public. He concluded that the Judicial Dialogue provided an opportunity to find solutions that were reflective of the diverse social, economic and cultural contexts.
13. In his statement, Justice Ramadhani welcomed participants to the Judicial Dialogue, noting that the event was made possible by the recommendation of the 1st Judicial Dialogue which called for the institutionalization of a Continental Judicial Dialogue. Justice Ramadhani observed that the thrust of the Judicial Dialogue was to enhance knowledge linkages between the African Court and regional and national courts. He called on participants to address the challenges of the low number of ratifications of the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of the African Court on Human and Peoples’ Rights and the low number of declarations allowing direct access to the African Court. Justice Ramadhani concluded by expressing gratitude to the Department of Political Affairs, the Judiciary of

Tanzania, partners and sponsors who assisted in organizing the Judicial Dialogue.

14. In his Keynote Speech, His Excellency Mizengo Kayanza Peter Pinda noted that litigation before continental and regional courts in Africa was steadily growing and that there was great potential for valuable cross fertilization of jurisprudence between continental, regional and national courts. He reiterated Tanzania's commitment to the letter and spirit of all human rights instruments she was a party to and pledged to ensure full compliance with the provisions of the legal instruments. He urged participants to develop a roadmap of how to implement existing best practises in the development and management of judiciaries and wished participants fruitful deliberations.
15. Presentations were delivered on the following themes:
 - i. Theme I: Judicial Reforms
 - a. Sub-Theme on Procedural reforms/innovations in judicial processes that enhance access to justice and ensure protection of rights
 - b. Sub-Theme on Creation of Special Court Divisions
 - c. Sub-Theme on Incorporation of Technology in Court Processes
 - ii. Theme II: Recent Developments and Trends on Human Rights Jurisprudence
 - iii. Theme III: Continuing Judicial Education and Management of Judicial Institutions
 - a. Sub Theme on Continuing Judicial Education
 - b. Sub-Theme on Quality Management Systems for Courts
 - iv. Theme IV: Experiences from other Continents
 - a. Sub Theme on Compliance with decisions of regional courts/mechanisms through national courts
 - b. Sub-Theme on the Creation of Continental Judicial Networks
16. The presentations were followed by plenary and concurrent group discussions. During the discussions, several questions were raised, views expressed and challenges identified on a wide range of issues, notably:
 - i. the lack of awareness about African human rights mechanisms in general and specifically the African Court and its jurisprudence by national Courts;
 - ii. the lack of access to the African Court due to low ratification and deposit of the declaration;
 - iii. the lack of codification/domestication of international instruments into national law;

- iv. the challenge of adequate funding and provision of human and technical resources for continental, regional and national courts;
 - v. the challenge of implementation of decisions of continental and regional courts;
 - vi. the lack of information and access to international instruments and decisions of international Courts by national Courts and vice versa; and
 - vii. the underutilization of Information, Technology and Communication Systems by continental, regional and national courts.
17. After three days of extensive and constructive deliberations, the participants agreed as follows:

On Judicial Reforms

Sub-Theme on Procedural reforms/innovations in judicial processes that enhance access to justice and ensure protection of rights

- *Called on judiciaries on the Continent to implement measures to review rules of procedure and relax requirements for access and standing specifically for public interest and human rights cases; and*
- *Urged judiciaries to implement simplified and user-friendly court procedures, including through development of application forms, waiving of filing fees and provision of mobile courts.*

Sub-Theme on Creation of Special Court Divisions

- *Encouraged the creation of special court divisions to enhance consideration of matters for specific groups by developing specialized adjudication divisions or procedures to enhance access to justice and enhanced judicial efficiency.*

Sub-Theme on Incorporation of Technology in Court Processes

- *Reiterated that technology was absolutely necessary for economic and social development and that it was a universally acceptable principle;*
- *Stressed that the incorporation of technology would promote good governance, elimination of corruption, transparency, rule of law and access to justice;*
- *Called on the African Union to promote and mainstream technology in justice service delivery at the continental, regional and national judicial institutions;*
- *Called for the development of strategies to incorporate technology in justice delivery based on a needs assessment of all African Union Member States;*
- *Urged the promotion of the digitization of court records and judgements to enhance judicial operations and to better facilitate access to information for court users; and*
- *Encouraged the integration of technology-based case management processes, including through e-filing, use of mobile applications, receiving evidence and testimony through video link and conducting proceedings through video conferencing technology.*

On Recent Developments and Trends on Human Rights Jurisprudence

Theme III: Continuing Judicial Education and Management of Judicial Institutions

Sub Theme on Continuing Judicial Education

- *Called for the establishment of a committee to administer a questionnaire to African Union Member States and compile a comprehensive report on the state of judicial education in Africa to be prepared within a period of 12 months to be submitted to African Union Member States and to be deliberated at the 3rd African Judicial Dialogue;*
- *Called for the need to mainstream human rights and specifically the African Human Rights system in continuing judicial education programmes;*
- *Recommended the establishment of a training institution for judicial excellence in Africa; and*
- *Called on participating institutions to establish a staff exchange programmes.*

Sub-Theme on Quality Management Systems for Courts

- *Recommended the creation of special funding mechanisms to be managed by the judiciary that would be responsible for the salaries and emoluments of judges and registry staff;*
- *Called for the establishment of independent oversight mechanisms such as Judicial Administration Councils and Judicial Service Commissions;*
- *Urged African Union Member States to decentralize judicial administration while maintaining coordinated reporting systems;*
- *Proposed the undertaking of background checks for candidates for appointment to the judiciary in order to verify their credentials;*
- *Called on judicial systems to require regular declaration of assets as a way to curb corruption;*
- *Urged the development of systems for monitoring the technical soundness of judgments and for sanctioning non-compliance with the set standards.*
- *Called for the development of a participatory judges' evaluation system involving their peers and the public;*
- *Recommended the development of systems of rewarding good performance;*
- *Promoted the use of mechanisms for obtaining feedback from the public on the reforms they wish implemented as this will enhance transparency and increase public confidence in the judiciary; and*
- *Called on judiciaries to Implement measures to supervise the volume and quality of work of judges.*

On Experiences from other Continents

Sub Theme on Compliance of decisions of regional courts/mechanisms through national courts

- *Called on African Union Member States to achieve universal ratification of key human rights instruments;*
- *Underscored the need for African regional courts with concurrent and/or overlapping jurisdiction to regularly exchange information and establish a joint case database; and*
- *Requested the African Court to convene a continental conference to discuss implementation of decisions of regional courts/ mechanisms through national courts.*

Sub-Theme on the Creation of Continental Judicial Networks

- *Encouraged greater collaboration between existing judicial forums for dialogue and the African Judicial Dialogue;*
 - *Underscored the need for the establishment of the African Centre for Judicial Excellence as a forum of training and research excellence for judiciaries in Africa;*
 - *Supported the idea to establish a Continental Network of African Judiciaries under the auspices of the African Union to bring together superior courts of African Union Member States;*
 - *Tasked the African Court, supported by a steering committee from regional groups composed of representatives of the judiciary and bar associations to develop a draft model for the African Judicial Network within 6 months; and*
 - *Requested the support of the African Union, African private sector, philanthropists and other partners to support the establishment of the network.*
18. The participants expressed their appreciation to the Government and people of the United Republic of Tanzania for their hospitality and the facilities placed at their disposal to ensure the success of the Judicial Dialogue.
 19. Recognized the initiative of the African Union to institutionalize the dialogue and expressed the wish for the Judicial Dialogue to be held biennially and on a rotational basis among the different regions of the continent.
 20. The participants thanked the African Court as host and convener of the Judicial Dialogue under the auspices of the African Union.
 21. Participants expressed their appreciation for the support received from the World Bank, EU and GIZ in the organization and hosting of the 2nd African Judicial Dialogue.