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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
THE SOUTHERN AFRICAN CHIEF JUSTICES' FORUM

**CONFERENCE ON
"SUSTAINING THE RULE OF LAW TO PROMOTE SOCIO-
ECONOMIC DEVELOPMENT
IN THE EASTERN AND SOUTHERN AFRICAN REGION"**

Kasane, Botswana, 7-8 August 2009

SYNOPSIS

Thanks to funds from the Irish Government the Venice Commission, together with the Open Society Foundation for Southern Africa and the Konrad Adenauer Stiftung, sponsored a Conference of the Southern African Chief Justices' Forum (SAJCF) on "Sustaining the Rule of Law to promote Socio-economic Development in the Eastern and Southern African Region" (Kasane, Botswana, 7-8 August 2009).

The conference was attended by Chief Justices and Judges from Angola, Botswana, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Uganda, Zambia, Zanzibar and Zimbabwe, the SADC Tribunal and the International Criminal Court. Representatives of the United Nations High Commissioner for Human Rights and the International Commission of Jurists also participated in the Conference.

In his opening speech, the President of Botswana, H.E. Seretse Khama Ian Khama, insisted that socio economic development can only take place in the context of a robust, transparent, predictable and enforceable legal framework.

The Conference adopted a Communiqué calling on courts in Africa to continue to refer to international and regional human rights instruments and the decisions of foreign courts in interpreting their own constitutions where appropriate, taking into account African values such as human dignity, equality and non-discrimination. The Communiqué also stated:

- Without infringing the separation of powers, the judiciary can increasingly play an important role in the protection of social and economic rights. In this respect, the African Charter on Human and Peoples Rights provides a holistic framework within which human rights in the continent should be understood.
- While respecting the responsibilities of the other powers, co-operation between the arms of the state is vital in the exercise of their constitutional obligations.
- Judicial accountability is a key complement to judicial independence in order to maintain the confidence of the public in the judicial system.
- Judicial review of administrative action is an important vehicle for the protection of human rights and the rule of law.
- In order to ensure that the judiciary delivers services to the public in an efficient and speedy manner judicial reform if required. This can be done through the increasing use of information technology, the reform of rules of procedure, training and the establishment of specialised courts. The judiciaries in the region shall exchange experiences in this regard by sending judicial officers to other jurisdictions.

The Executive Committee of the SACJF was mandated to consider the establishment of a Committee of Chief Justices whose task will be to promote and protect the independence of the judiciary through support missions in the region to deal with threats and potential threats to the rule of law, strengthening the judicial organ by making appropriate recommendations.

At the end of the Conference, the SACJF held their Annual General Meeting, which warmly welcomed the establishment of the World Conference on Constitutional Justice, and mandated the Executive Committee to send comments on the draft Statute to Forum members within a month. It also mandated its President to represent the Forum at the meeting of the Bureau of the World Conference in Venice in December 2009, which will adopt the final text of the Statute.

The meeting thanked Gianni Buquicchio of the Venice Commission for his consistent support in the creation and progress of the Forum and its outgoing Chairperson, Chief Justice Langa of South Africa for his unflinching commitment and exemplary service to the Forum.

The speeches delivered and the Communiqué can be found at www.Venice.CoE.int/SAJCF.