

HAKI NA SHERIA DIALOGUE FORUM

NAIROBI, KENYA



On 27 August, the Konrad-Adenauer-Stiftung's Rule of Law Program for Sub-Saharan Africa held its latest *Haki Na Sheria* Dialogue Forum which was graced by Lady Justice Dr. Sibylle Kessel-Wulff from the Germany's Federal Constitutional Court.

She gave a presentation on the importance of Constitutional Jurisdiction for democratic rule of law drawing from the experience of Germany. She pointed out that as a constitutional organ, the Court is not part of the regular appeals process but has specific jurisdiction of safeguarding Germany's Basic Law and ensuring compliance by all including other organs of the state. In the foregoing, the Constitutional Court does not interfere with the application and interpretation of ordinary law unless it considers its application to be arbitrary or affects fundamental rights adversely.

She observed that even though the Court is not a political organ, and is in fact an independent constitutional institution, its decisions often have broad political influence.

She took pride in the fact that the Constitutional Court is the most respected institution in Germany and its judgments are binding upon all other state organs. As such, all public authorities are obliged to comply with the Court's decisions and create the conditions necessary to satisfy the constitutional requirements as pronounced by the Court.

The Lady Justice emphasized that the rule of law is constitutionally protected under Art. 20 (3) of the German Basic Law and is part of the eternity clause which cannot generally be abolished.



In the ensuing in-depth discussion, the importance of human dignity in the German Constitution as well as the difficulty of drawing a line between political and constitutional decisions was further explored. The presenter also explained the impact of the decisions made by the European Court of Human Rights on the Constitutional Court.