

# SAFEGUARDING THE INDEPENDENCE OF THE JUDICIARY AND CONDITIONS OF SERVICE OF JUDICIAL OFFICERS

DATE: 3RD AND 4TH JUNE 2019

VENUE: SOUTHERN SUN CAPE SUN, CAPE TOWN



This conference was convened by the Judicial Officers Association of South Africa (JOASA) and the Democratic Governance and Rights Unit (DGRU) of the University of Cape Town with the support of Konrad Adenauer Stiftung Rule of Law for Sub-Saharan Africa Program.

Judicial officers from 23 countries across Africa gathered in Cape Town for a two-day conference where they sought to discuss the critical challenges facing judicial officers, security of tenure-constitutional and legislative protection and *de-facto* practice; conditions of service for judicial officers as well as selection and appointment of judges.

The opening session had remarks from Clement Mavunga, representative of the Pan Africa Parliament, Daniel Thulare, President Judicial Officers Association of South Africa (JOASA), Djamel Aidouni, President of the African Regional Group of the International Association of Judges (IAJ), Tony Pagone, President, International Association of Judges (IAJ), Dr. Arne Wulff, Director, Rule of Law Program for sub-Saharan Africa of the Konrad Adenauer Stiftung (KAS) and Judge Cagney Musi, Judge President of the Free State who was the guest of honor. All these speakers set the tone for the conference by giving an overview of the importance of having an independent judiciary as well as good working conditions for judicial officers.

The first session started with Prof. Charles Fombad from the Institute for International and Comparative Law in Africa, University of Pretoria who gave a presentation titled **“Judicial Power and Democratic Consolidation in Africa; opportunities, challenges and future prospects”**. He highlighted three key issues namely, expansion of judicial power in the last three decades, challenges encountered by the judiciary and how judiciary can play a meaningful role and act as last defense of the constitution. He stated that judicial institutions are more independent today than they have ever been.

Representatives from Botswana, Lesotho, Zambia, Zimbabwe, e-Swatini and Mozambique gave their country reports on the working conditions of judges in their respective countries. The challenges highlighted from the country reports included, financial constraint due to underfunding, security of judges, inadequate office space and low salaries.

The last session was concluded by presentations from Giacomo Oberto and Raffaele Gargiulo. Giacomo who is the Secretary-General of the International Association of Judges presented on **“Selection and Appointment of Judges: Constitutional and Legislative Protection and De Facto Practice”**. He touched on selection and appointment of Judges in the different legal systems including Universal Charter of the International Association of Judges.

Raffaele Gargiulo gave a presentation on **“Ensuring Security of Tenure: The Italian and European experience”**. In his presentation he spoke of the independence of the judiciary, security of tenure: International and European principles, the Italian experience as well as the European experience.

In his closing remarks, Tony Pagone, President, International Association of Judges (IAJ) stated the importance of ensuring that judges were safeguarded from internal and external pressure and influence. He said that judges should be confident in their work and should not allow those coming to the courts to seek justice to think that they are vulnerable when exercising independent judicial power. He pointed out that this can only be achieved if the working spaces for judges are in good condition and judges have adequate income so that they are not tempted to be corrupt. He also emphasized on the importance of personal space and safety and indicated that judge’s security is of paramount importance. He concluded by saying that International Association of Judges (IAJ) will continue with its support to safeguard the independence of the judiciary in all countries.

The conference was also attended by top officials of the International Association of Judges. The meeting doubled-up as the 2019 general meeting of the Africa regional bloc of the International Association of Judges.