

## WORKSHOP ON THE IMPACT OF INTERNATIONAL HUMAN RIGHTS LAW ON CONSTITUTIONAL DEMOCRACY IN AFRICA



Windhoek, Namibia 6 - 8 March 2019

This workshop which was held at the Hilton Hotel in Windhoek on the topic '*The Impact of International Human Rights Law on Constitutional Democracy in Africa*' was organized by the SARChI Professorship in International Constitutional Law, Faculty of Law, University of Pretoria, the Faculty of Law, University of Namibia in collaboration with the Rule of Law Program for Sub-Saharan Africa of the Konrad Adenauer Stiftung.

The two day workshop was divided into four sessions, each of which consisted of a number of short presentations and a plenary discussion on the following topics:

1. The status of international law in the domestic legal order
2. The right to life: balancing individual freedom, human dignity and State security

3. Parliamentary control over the ratification from and withdrawal of treaties
4. The right to asylum: balancing individual freedom, human dignity and state security.

Participants from Botswana, Namibia and South Africa discussed the state of



*Prof. Erika de Wet addressing participants*

the law in their respective countries with specific reference to the role of the judiciary in developing the law as well as the key legal challenges facing the current legal framework.

In these three countries, it was noted that the judiciary has played a significant role in fostering human rights and democracy, especially since the adoption of the new constitutions in

Namibia and South Africa in 1990 and 1996 respectively.

It was pointed out that the courts have endeavoured to interpret the constitution in accordance with the international human rights treaties in a bid to solidify a culture in which all branches of government are held accountable and are subject to the supremacy of the constitution.

Two German guest speakers shared the European experience as part of comparative study of the status in Europe vis-a-vis Africa. The workshop identified a number of gaps in the legal frameworks of the target countries, as well as obstacles in the enforcement of the applicable legal framework that hinders their effectiveness.

The workshop brought together academics, practitioners and members of the judiciary led by Justice Peter Shivute, the Chief Justice of the Republic of Namibia.



*From L – R: Dr. Arne Wulff, Director KAS Rule of Law Program – Hon. Justice Peter Shivute, Chief Justice Namibia – Mr. Thomas Keller, KAS Country Director - Namibia*