



COMMUNIQUE

The Konrad Adenauer Stiftung under the aegis of its Rule of Law Program for Sub-Saharan Africa convened a Stakeholders Workshop on the Independence of the Judiciary in Africa in Arusha, Tanzania from 21st to 24th February 2018.

The Workshop brought together judges, representatives of national, regional and continental Bar Associations, representatives of the African Union, academia, non-governmental organisations and civil society groups from Africa.

The workshop sought to offer a platform to reflect, dialogue and exchange views and experiences geared towards rallying a common understanding on the need for independent judiciaries and the minimum standards thereof. This will ultimately contribute towards crafting of appropriate strategies aimed at fostering the existing strengths and overcoming some of the intransigent challenges as far as safeguarding of judicial independence on the continent is concerned.

ACKNOWLEDGING the rule of law and constitutionalism as the foundational minimum for judicial independence, and on the basis of extensive and highly interactive deliberations guided by moderators and thematic experts for each panel, the participants recommended as follows:

A. To the States

1. To strengthen and secure the pillar of judicial financial autonomy to international best practice levels by *inter alia*, establishing a Judiciary Fund;
2. The Fund should be placed under the control and administration of the Judiciary with adequate budgetary fidelity and accountability mechanisms;
3. To guarantee the independence of the Judicial Service Commissions;

CONTACT DETAILS

The Rule of Law Program for Sub-Saharan Africa, Konrad Adenauer Stiftung
1 Thigiri Hilltop, Off Thigiri Ridge Road
P.O. Box 66471 Nairobi 00800 Kenya
Telephone: + 254 20 2610021/2
Fax: + 254 20 2610023
Website: www.kas.de/rsspa

4. To put in place and promote transparent appointment and removal criteria that ensures attainment of,
 - a) objective and merit-based appointment of judicial officers at all levels;
 - b) inclusivity of the diverse segments of the society.
5. To provide adequate security and guarantee security of tenure to all judicial officers including those serving on the lower Benches.

B. To the Judiciary and Judicial Service Commissions

1. To eradicate internal interference by ensuring appointment of competent and persons of high moral character who honour the judicial oath of office and promote judicial accountability at all levels;
2. To institutionalise and strengthen judicial Associations at national, regional and continental level under the management of professionals as a means to promoting and protecting the welfare of judicial officers in particular, as well as advancing the tenets of the independence of the judiciary and impartial administration of justice in general;
3. To strengthen the continental fora, such as continental forum for heads of the judiciaries as an avenue for handling emerging issues on judicial independence;
4. To simplify the legal language and procedures so as to enhance understanding and earn the confidence and support of ordinary citizenry;
5. To ensure full implementation of Codes of Conduct for judicial officers and adoption of the Codes where they do not exist;
6. Institutionalise mechanisms for civic education and citizen engagement by *inter alia* creating robust Public Relations and Communication units that will enhance the engagement with the public;
7. Institutionalise performance evaluation mechanisms for judicial officers.

C. To the African Union and its Organs

1. To design and adopt African best practice guidelines on judicial financial autonomy, judicial appointments, removal and mechanisms against internal and external threats;

CONTACT DETAILS

The Rule of Law Program for Sub-Saharan Africa, Konrad Adenauer Stiftung
 1 Thigiri Hilltop, Off Thigiri Ridge Road
 P.O. Box 66471 Nairobi 00800 Kenya
 Telephone: + 254 20 2610021/2
 Fax: + 254 20 2610023
 Website: www.kas.de/rsspa

2. Create an effective mechanism at the continental level for monitoring and evaluation of judicial independence, for example, special rapporteur or individual monitors.

D. To Legal Practitioners, Bar Associations and the Civil Society

1. To protect the judiciaries from political and other external interference by *inter alia* publishing researched information about judicial independence for early remedial action, consistently pushing for upholding and implementation of court orders and engaging in Public interest litigation among others;
2. Harness mechanisms for civic education and citizen engagement on judicial independence by *inter alia*, use of social media, art, music, drama, moot courts, road shows, open days, and other communication avenues;
3. Train journalists for specialized Court reporting;
4. Contribute towards simplification of legal language, court processes and procedures as a means of empowering the citizenry for quality public engagement.

E. To the Citizens

Continuously demand for transparent, accountable and independent judiciaries.

RECOGNISING that most of the initiatives and recommendations herein are inter-linked, the participants call upon judicial and political leadership, policy makers, mandate holders, state and non-state actors and the public at large to respect the Courts, abide by and implement their decisions while demanding for accountability and transparency in all judicial processes for the full realization of human rights, freedoms and liberties.

DONE AT THE KIBO PALACE HOTEL IN ARUSHA, TANZANIA ON FEBRUARY 23, 2018

CONTACT DETAILS

The Rule of Law Program for Sub-Saharan Africa, Konrad Adenauer Stiftung
 1 Thigiri Hilltop, Off Thigiri Ridge Road
 P.O. Box 66471 Nairobi 00800 Kenya
 Telephone: + 254 20 2610021/2
 Fax: + 254 20 2610023
 Website: www.kas.de/rsspa