

SOUTHERN AFRICAN JUDGES COMMISSION MEETING

Maputo, 10 - 13 August, 2006

RESOLUTIONS

1. We are of the view that issues of administrative and financial autonomy are of common concern in all jurisdictions.
2. There is a clear resolve on the part of the judiciary to address the subject of administrative and financial autonomy.
3. It is imperative that Governments recognize and give full expression to the doctrine of separation of powers and independence of the judiciary.
4. In the quest for administrative and financial autonomy, judiciaries are part of the tripartite system of government and therefore are entitled to appropriate allocation of resources.
5. We are fully aware that there is concomitant need for accountability on the part of the judiciary to perform their duties in accordance with high ethical requirements of their office as stated in SAJC's Windhoek Declaration of August 2005.
6. Continuous judicial education is imperative to effective service delivery and as such should be extended to each judicial officer. We recognize the principle that it is government responsibility to allocate sufficient resources to enable the judiciary to provide continuous judicial education.

7. Believing that strengthening of national structures such as the courts, the prosecution, and the police rather than resorting to measures that undermine fundamental rights, would better facilitate the process of balancing human rights and national security; and
8. Recognizing the responsibility of the government to protect the State and its inhabitants, we recommend that a balance should be struck between the government's responsibility and the duty of the courts to uphold and protect fundamental rights.