



2000



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Strasbourg, 24 March 2000

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Restricted
CDL-JU (2000) 22
Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

S Y N O P S I S

**Seminar for judges from Constitutional and Supreme Courts
of Southern Africa
on "Enhancing Constitutionalism and Net-working
among Jurisdictions in the SADC Region"**

SIAVONGA, Zambia (12-13 February 2000)

Within its programme “Democracy from the Law Book to Real Life”, sponsored by the Swiss government, the Venice Commission organised a seminar for judges from constitutional and supreme courts of Southern Africa on "Enhancing Constitutionalism and Net-working among Jurisdictions in the SADC Region", which took place in Siavonga, Zambia, on 12-13 February 2000. Constitutional and Supreme Courts from Kenya, Lesotho, Malawi, Namibia, South Africa, Swaziland, Uganda and Zimbabwe were represented at this seminar. The European experts were Judge Hedigan from the European Court of Human Rights and Mr Luis Lopez Guerra, Vice-President of the General Council of the Judiciary and former Vice-President of the Constitutional Court of Spain.

One of the main topics discussed was the separation of powers. Judges heard how their colleagues had dealt with sometimes intimidating interventions from other powers. The relationship of courts with the public (media) and professional associations was identified as a key element in reinforcing the courts' position.

Another focus of the seminar was judicial ethics and complaint systems. As the judiciary wields considerable power, it has to live up to the high expectations of the public by being seen to be accountable for its actions, while at the same time its independence has to be guaranteed.

A third topic was the right to a fair trial. It was pointed out that a lack of financial resources sometimes results in a denial of justice in the region, simply because insufficient court-rooms are available or witnesses cannot be summoned because their travel expenses to the seat of the court cannot be met.

In concluding the seminar, the participating courts decided that they would co-operate in several fields:

- The publication of their decisions via the Internet, possibly with the assistance of the Venice Commission and using its Systematic Thesaurus for indexing the decisions;
- Access of all courts to the resources of the libraries of the other courts;
- Inviting judges from the other courts in the region to training courses which are organised by the participating courts;
- Further seminars bringing together the Constitutional and Supreme Courts of the region like those organised within the framework of the programme “Democracy from the Law Book to Real Life”. The usefulness of discussing the regional experience with European experts was highlighted as well.

The participating courts set up the “SADC Judge’s Commission” and entrusted a committee to explore ways to implement these decisions. The need for financing was identified a key element in this respect.