



Summary Report of the African Court Coalition Zanzibar Convening:
7-8 October, 2021
Dialogue with State Representatives on Cooperation Enhancement and
Implementation of the African Court Decisions



The African Court Coalition held a Convening in Zanzibar themed; *“Dialogue with State Representatives on Cooperation Enhancement and Implementation of the African Court Decisions”* on 7 – 8 October 2021, in Zanzibar Island, Tanzania. This Convening brought together representatives of the Member States to the African Court Protocol, the African Court, other AU Organs and Institutions to dialogue in a cordial, mutually respectful and constructive manner; to find practical and pragmatic ways in which we can progressively enhance cooperation and strengthen the African Court. This Convening was organised with the financial support of the Swedish Development Cooperation (Sida) through the Raoul Wallenberg Institute (RWI) Regional Africa Program (RAP).

The objectives of the Zanzibar Convening were;

- To gain a better understanding of State parties concerns that led to Article 34(6) withdrawals and what can be done to address them;
- To have a conversation around dynamics that take place in decision-making process by State parties regarding implementation of the African Court decisions; AND
- Explore the need for capacity building of national authorities on effective implementation of the African Court decisions.

The Convening which was officiated by the Minister of Constitutional, Legal Affairs, Public Services and Good Governance of Zanzibar, Honorable Haroun A. Suleiman, was well attended by the following delegation;

- Burkina Faso: Fayama Issa Saferiba, Chief of Staff, Ministry of Justice, Burkina Faso
- Ghana: Honorable Diana Asonaba-Dapaah, Deputy Attorney General and Minister of Justice, Ghana
- Malawi: Angela T. Kaunda, Senior State Counsel, the Ministry of Justice, Malawi
- Tanzania: Nkasori Sarakikya, Head of Human Rights Department, Ministry of Constitutional and Legal Affairs, Tanzania
- The Gambia: Patrick Gomez, Senior State Counsel, The Gambia
- Benin: Serge Jean Paul Prince Agbodjan, President, Benin National Commission for Human Rights

The delegation from the African Court was led by the Judge President, Lady Justice Imani Daudi Aboud, accompanied by Dr. Robert Eno (Registrar of the AfCHPR), Dr. Mwiza Nkhata (Principal legal officer) and Dr. Horace Adjolohoun (Principal legal officer). Delegation from the African Union was comprised by a representative from the AU Office of the Legal Counsel; Mr. Mahamat Brahim Abdelsadick (legal officer) and Mr. Guy Alain Ramazani, Permanent Mission of the DRC to the African Union.

Also present to the Zanzibar Convening were representatives from the Academia; Prof. Frans Viljoen from the Centre for Human Rights, University of Pretoria and Prof. Balingene Kahombo from the University of Goma, DRC.

The Coalition was represented by Roselyn Hanzi (ZLHR), Don Deya (PALU) and Ibrahima Kane (AfRO/founding member of the Coalition), while the RWI was represented by Chris Muthuri (RWI Deputy Director) and Grace Mbogo (RWI Program Officer).

Outcomes of the Convening

The two-days Convening came up with the following key salient action points and recommendations to be taken by various stakeholder in order to progressively strengthen the African Court; and enhance implementation of the Court's decisions.

1. Continuous engagement and dialogue amongst all stakeholders that include but not limited to; CSOs, Member States, the African Court, other AU organs, Academia.
 - a. **Engagements among all stakeholders including the AfCHPR;** four key emerging issues that came out of the Zanzibar Convening should be given special attention in such future engagements, these are;
 - i. Reservations by Member States
 - ii. Domestication and implementation of the African Court decisions
 - iii. Margin of appreciation
 - iv. Progressive realization
 - b. **Engagements among all stakeholders, including the AfCHPR:** When focusing on AU, adopt a comprehensive, innovative and proactive outreach to various AU Organs, Institutions, Specialised Agencies and even *ad hoc* Mechanisms
 - c. **Outreach of the African Court,** including when Court processes are virtual, and also rotational sittings of the Court in the Member States, with ceremonial opening and closings, involving various stakeholders

- d. **Member States:** Encourage Champion States to engage and dialogue with Sister States that have withdrawn from Art. 34(6) of the African Court Protocol.
 - e. **CSOs:** to step up their advocacy for new Ratifications and Art. 34(6) Declarations under the African Court Protocol
 - f. **CSOs: revisit and re-energise networks with other platforms for engaging the AU,** so we can combine efforts especially on the AU Reform on;
 - i. Budget
 - ii. Illegal Decisions of AU Policy Organs and PRC
 - g. **Academics and CSOs:** Engaging States at the national level
2. **AfCHPR, CSOs:** Specific engagement with the Specialized Technical Committee (STC) on Justice and Legal Affairs and the Permanent Representative Committee (PRC) Sub-Committee on Governance & Human Rights in: -
 - a. Dialogue generally
 - b. Implementation of decisions and supervision
 - c. Adoption of the Study on Implementation of the Court's decisions
 3. **National Legal Infrastructure for Implementation:**
 - a. Importance of study of, and support to States to develop **implementing legislation**, e.g. a Model Law; and set up of national focal points/ mechanisms for implementation.
 - b. NHRIs can play a key role in popularising and monitoring implementation of the African Court's decisions at national level
 - c. National and Regional Bar/Lawyers associations should robustly engage States on implementation, including through litigation and also legislation/ law reform
 4. **African Court Unit on Implementation:** The AfCHPR should operationalize its implementation unit ASAP; and work with CSOs, including in-country CSOs to collect information on implementation.
 5. **The African Union Commission (AUC) Unit on Implementation:** All stakeholders should advocate for the establishment and operationalization.

The African Court Coalition is grateful to all delegates who participated in this fruitful Convening and made it a success, especially Member States who accepted our invitation. Special thanks also to our development partners, the Swedish Development Cooperation (Sida), for their financial support which made this Convening possible, through the Raoul Wallenberg Institute (RWI) Regional Africa Program (RAP).

It is our hope and belief that the Coalition family and all other stakeholders will join hands from this ground that we have laid, to progressively find constructive solutions in practical and pragmatic ways in order to strengthen the African Court and the African Human Rights System in

general. To repeat a phrase from the guest of Honor for this Convening, Hon. Harun A. Suleiman quoting the late Mwalimu Julius K. Nyerere. *“The way we, human beings advocate for promotion of human rights, it assists directly to the maintenance of peace; that is, every minute of peace is a minute lost in vain if it is not used to promote rights among people and among nations”*