



**OPENING REMARKS BY THE HON. MR. JUSTICE FERDINAND
L.K.WAMBALI, PRINCIPAL JUDGE OF THE JUDICIARY OF
TANZANIA AT THE THIRD JUDICIAL DIALOGUE ON "IMPROVING
JUDICIAL EFFICIENCY IN AFRICA"**

ARUSHA, TANZANIA

9 – 11 NOVEMBER, 2017

Honourable President of the African Court on Human and Peoples'
Rights,

Honourable Vice President of African Court on Human and Peoples'
Rights,

Honourable Chief Justices from Member States,

Representative of Commissioner for Political Affairs of the African
Union Commission,

Representative of African Union Organs,

Presidents of Regional Economic Community Courts,
The President of the African Extraordinary Chambers,
Representative of the Mechanisms for Criminal Courts,
Honourable Judges of the African Court on Human and Peoples'
Rights,
Honourable Justices and Judges of National Judiciaries,
Representatives of the African Union Leadership Academy,
Representatives of Partners (GIZ, World Bank and EU),
Experts and Consultants,
Distinguished Guests,
Distinguished Ladies and Gentleman

It is a singular honour to have been mandated by the Government through the Ministry of Foreign Affairs and East African Cooperation to grace the opening ceremony of the third African Judicial Dialogue, on the theme IMPROVING JUDICIAL EFFICIENCY IN AFRICA. I am so honoured to be part of this audience. Tanzania as a whole and Arusha as the seat of Justice (or as many would say,

the Geneva of Africa) is very proud to be hosting this very important gathering of Chief Justices, Presidents of Constitutional Courts and Judges from our Member States. It is common knowledge that the judiciary is the third arm of government, and, for everyone who believe in constitutionalism and the separation of powers, the role of the judiciary in any society and especially in guaranteeing justice, respect for human rights, etc, cannot be overstated. It therefore gives us great pleasure that you have decided to choose Arusha to hold all the first three editions of the African Judicial Dialogue. Although an invitation to deliver this address was only received by the Government a few days ago, we made it a point to honour the invitation because of the importance we attach to the African Court and the promotion of justice on the Continent as a whole.

I take this opportunity to welcome all distinguished participants from other countries and wish all an enjoyable stay in Arusha.

Honourable President, Excellencies and Distinguished participants

Tanzania's role in the promotion of justice on the continent is well known. Our stand against oppression, discrimination, injustice, inequality and violation of human rights is clear. We have demonstrated this at national as well as international level. It is therefore not an accident that Tanzania is hosting the African Court on Human and Peoples' Rights and other international judicial and human rights institutions of the region and the continent. Indeed, the commitment to see the Court grow has been manifested in many ways, including providing the Court with comfortable temporary premises pending the construction of the permanent premises.

Honourable President, Excellencies and Distinguished participants

I wish to thank the African Court which is the premier judicial continental body, for pioneering and organising the third important

dialogue. Over the past ten years of its existence it has demonstrated its independence, integrity and fairness. It is noted that there is no doubt the Court has delivered some landmark judgments on many issues which you will have opportunity to deliberate on together with assessing their efficacy in furthering administration of justice in a continent. We may disagree with some of the judgments of the Court, which is normal, but what is important is to take note of the fact that the Court has already brought about renewed hope and optimism within the African justice and human rights system, and positions itself firmly as a veritable tool in the quest for regional integration, peace, unity, good governance, respect for human rights and development. I am fully convinced that you will have ample time to deliberate deeply on the contribution of the Court in this regard and come to a conclusion on how the court has assisted in improving the efficiency of justice in Africa.

Honourable President, Excellencies and Distinguished participants

It has come to my knowledge that, the theme of this Dialogue IMPROVING JUDICIAL EFFICIENCY IN AFRICA, follows from the theme of the previous Dialogue - 'Connecting National and International Justice', and from the agenda, this Dialogue is dedicated to implementing the recommendations of the second Judicial Dialogue.

Honourable President, Excellencies and Distinguished participants

The theme of the dialogue is important to this time when many people in the continent feel that our respective Judiciaries and the justice system no longer serve the average persons. Indeed the fear of many people of not being understood in the courtrooms is a key reason why many litigants turn to arbitration and mediation to resolve their disputes. It is my appeal that such attitude should

be dealt with immediately by our respective judiciaries in the continent. It is important to understand that quality, independence and efficiency are the key component for an effective justice system. Indeed, access to an effective justice system is an essential right which must be at the foundation of democracy recognised by the constitutional traditions. Nobody can deny the fact that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial organ established by law. On the other hand, many States recognise that a well functioning judicial system also underpins economic development. Moreover confidence in justice system creates a climate of certainty and reliability that enables forward business planning and hence a thriving private sector which all states wish to happen.

Thus an effective justice system that interprets and applies the law fairly, impartially and without undue delay is fundamental to citizens' rights and a well functioning economy. Our respective judiciaries therefore cannot do better in improving effective justice

without increasingly engaging with the citizens and other court users to gain more insights on what should be done to serve the society better. We must understand that as a public service, the judiciary is ultimately accountable to the citizenry. The parties who engage our judicial system are entitled to know and to be satisfied with how the justice system operates, functions and its role.

Honourable President, Excellencies and Distinguished participants

It cannot be doubted that in order to improve efficiency of our judiciaries, there is a need to undertake reforms to the justice system. Nevertheless, the reforms to be done should not be isolated and geared toward piecemeal solutions. Reforms therefore should take a more comprehensive approach that can lead to more uniform results.

I wish therefore, at this juncture to urge you my brothers and sisters that in the course of your deliberation of two studies and

the current theme of the dialogue please seriously engage in the discussion of some very key important questions outlined below:

- (a) How can the performance of the judicial system be assessed and its quality and efficiency enhanced, drawing some insights from inside and outside the judiciaries to meet the expectations of citizens and other users?
- (b) How can access to justice be maximized?
- (c) How modernization of judicial services be made to make the judicial process better, faster and more cost effective locally and across jurisdictions?
- (d) How can judicial officers be enabled to keep up-to-date with the latest legislative development and changes in the operating environment through training and continuing judicial education?
- (e) Is the current justice system performing to expectation and delivering quality outcome? If not, what need to change?

I am comforted by the fact that you will be considering two important studies: one on the establishment of an African Judicial Network, and the other on the setting up of a mechanism for Judicial Education in Africa. Without pre-empting, I hope these studies will provide a platform where Judges and other judicial officers will have the opportunity to keep abreast with judicial developments in their countries, the continent and the world at large. To cope with current developments in the electronic age, Courts should streamline virtually all their judicial and administrative processes through new information communication and storage technology. We cannot deny the fact that we live in a very fast moving world where things change by the seconds, and the law and justice must keep pace with the changing times. I see this Dialogue has laid emphasis on the use of technology in justice delivery. While this is a welcome development, I think it is coming a bit late. Our entire life is now driven by modern technology and justice being an integral part of our life cannot lag behind.

Nowadays, almost everything can be accessed with a click on our laptops or cell phones. We should therefore explore modern technology to bring justice quicker and closer to the people. They should be able to file cases without leaving their places of abode and follow developments on their cases in the same manner. We have countries on this continent which have made great use of technology in their justice system, and I see on the agenda that you are going to share experiences.

Honourable President, Honourable Chief Justices and Judges, Excellencies, Distinguished Guests, Ladies and Gentlemen

As I come to the end of my mandate, I want to conclude by once again welcoming the head of African judiciaries and all participants to the seat of justice in Africa. Please in the midst of your very compact schedule, if you can, do find time to savour the richness of our cuisine, our tradition and those who plan to stay longer, I encourage you to make a trip to our national parks, to have an

encounter with nature. I assure you, you will thank me for it. Mountain lovers can also take a challenge with the highest mountain in Africa – Mount Kilimanjaro. Please when you execute this mission call us from the Summit.

I hope I have provoked your thoughts sufficient enough to engage in deep discussion concerning “Improving Judicial Efficiency in Africa.”

It is now my singular honour to officially declare the Third African Judicial Dialogue on the theme IMPROVING JUDICIAL EFFICIENCY IN AFRICA, officially open.

I thank you for your kind attention and wish you most fruitful deliberations.