

**COMMUNIQUE OF THE EAST AFRICAN COMMUNITY
(EAC) CHIEF JUSTICES' FORUM HELD AT
HEMINGWAYS HOTEL, NAIROBI, 9TH-12TH MAY, 2018**

PREAMBLE

WE, the Chief Justices of the Republic of Kenya, Republic of Rwanda, Republic of Uganda, United Republic of Tanzania, Republic of South Sudan, Chief Justice of Zanzibar, and the President of East Africa Court of Justice held a two-day meeting to discuss the State of Administration of Justice in East Africa. The Chief Justice of Federal Republic of Somalia also attended the Forum as an observer. The specific objectives of the meeting were to:

- Explore mechanisms of reviving and strengthening the East African Chief Justices' Forum;
- Share experiences on the strategies adopted by respective judiciaries within East Africa to address barriers to and improve access to justice;
- Explore modalities of enhanced collaboration in the administration of justice and delivery of judicial services to the citizens of East Africa;
- Discuss options for structured linkages between national Judiciaries in East Africa and the East African Court of Justice.

The meeting was hosted by Justice David Kenani Maraga, the Chief Justice of the Republic and President of the Supreme Court of Kenya. Discussions focused on:

- The state of administration of Justice and Judicial Independence in each of the countries;
- The role of the Judiciaries in East African regional integration;
- Modalities for improving access to Justice
- Strategies for enhancing linkages amongst the Judiciaries of East Africa.

The East African Community Chief Justice's Forum therefore resolves as follows:

1. **THAT** the Judiciary is an important player in the process of deepening and widening regional integration in East Africa. It is expected to provide legal solutions to the controversies that arise in the integration process. To continue playing this role, we resolve to enhance the collaboration amongst Chief Justices and the Judiciaries of East Africa, share judicial experiences, expertise and jurisprudence.
2. **THAT** while the Treaty Establishing the East African Community envisaged cooperation amongst the Judiciaries, it does not fully elaborate on the mechanisms for such cooperation. Consequently, we hereby resolve to revive the **East African Community Chief Justices Forum (EACJF)** as a forum for dialogue amongst the Chief Justices of East Africa and the President of the East African Court of Justice as the first framework for enhancing the contribution of the Judiciaries to regional and national development, protecting the rule of law and promoting the well-being of the citizens of East Africa.
3. **THAT** we urge the Partner States of the East African Community to include the East African Community Chief Justices Forum as an

official actor in the EAC processes particularly on the administration of justice, make the EACJF engagements part of the calendar of EAC activities, and provide for regular and structured direct consultations between the Forum and the Summit on matters relating to the Judiciaries.

4. **THAT** we shall enhance consultations and engagements with the other arms of government and with the organs of the East African Community in order to deepen judicial independence and expand inter – branch interdependence.
5. **THAT** we undertake to enhance inter-institutional dialogue by reaching out and exploring modalities for regular and continuous engagement with the Executive and Legislative Arms of Government.
6. **THAT** we undertake to collaborate in the identification, implementation and sharing of experiences on innovative strategies to improve the administration of Justice, including adoption of technology, institutionalization of performance management and strengthening integrity mechanisms.
7. **THAT** we recognize the existence of case backlog and its negative impacts on delivery of justice and commit to upscale initiatives to clear case backlog in all the Judiciaries of East Africa.

8. **THAT** as part of strengthening judicial integrity and independence, we commit to strengthen mechanisms for accountability of judicial officers and staff and communication to the public on our work.
9. **THAT** while we recognise and appreciate that financial resources of our countries are limited, the current financial allocations are less than the needs of the Judiciaries to deliver quality and effective services to the citizenry. We resolve to continue engaging the Legislative and Executive Arms of Government to improve financial allocations and security for the Judiciary, and to support the establishment and operationalization of a Judiciary Fund or other mechanisms of ensuring financial autonomy of the judiciary.
10. **THAT** while judicial independence and access to justice are enshrined and protected in our Constitutions and national laws, in reality, several barriers hinder the full realization of these ideals. We commit to collaboratively continue to address the challenges and engage with other stakeholders in the process.
11. **THAT** we acknowledge the importance of alternative dispute resolution and informal justice systems as critical and complementary strategies to enhancing access to justice and resolve to improve the practical application of these strategies in our judiciaries.
12. **THAT** we commit to establishing a joint database for sharing of important decisions (rulings and judgements) made by our national judiciaries and by the East African Court of Justice so as to improve jurisprudence.

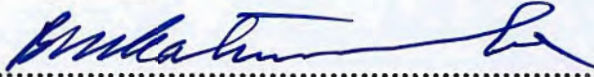
13. **THAT** as part of our continuous judicial education and training, we commit to include discussions on the EAC and the East African Court of Justice in our national judicial colloquia and in our continuing judicial education programmes.
14. **THAT** Judicial Training Institutes of the respective countries in collaboration with the East Africa Judicial Education Committee should jointly devise a means of harmonization of curricula and encourage exchange of programmes.
15. **THAT** we direct the Registrar of the East African Court of Justice to transmit this Communique to the Secretary General of EAC for the attention of the Summit of the Heads of States of the EAC and to other organs of the Community.

SIGNED AT NAIROBI on 11th May 2018.

Chief Justices of the East African Community Partner States


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1. **Honourable Justice David Kenani Maraga**, Chief Justice of the Republic of Kenya.

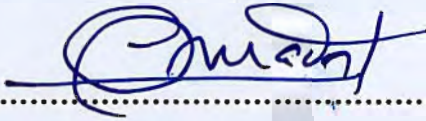

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2. **Honourable Justice Sam Rugege**, Chief Justice of the Republic of Rwanda.



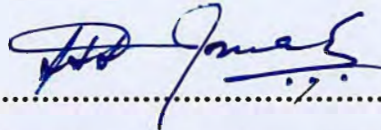
3. **Honourable Justice Bart M. Katureebe**, Chief Justice of Uganda.



4. **Honourable Justice Ibrahim Hamis Juma**, Chief Justice of the United Republic of Tanzania.



5. **Honourable Justice Chan Reec Madut**, Chief Justice of the Republic of South Sudan.

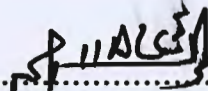


6. **Honourable Justice Omar Othman Makungu**, Chief Justice of Zanzibar.



7. **Honourable Dr Emmanuel Ugirashebuja**, President of the East African Court of Justice.

Observer to Meeting



1. **Honourable Ibrahim Eidle Sulaiman**,
Chief Justice of the Federal Republic of Somalia