

**First Meeting of Ministers of Justice on the Draft Protocol and Statute  
of the African Court of Justice of the African Union - Grand Baie -  
7-8 June 2003**

**ADDRESS BY HONOURABLE ATTORNEY-GENERAL, MINISTER  
OF JUSTICE AND HUMAN RIGHTS**

7 June, International Conference Centre, Grand Bay

Right Honourable Prime Minister,  
Honourable Chief Justice & Judges of the Supreme Court of Mauritius  
Honourable Ministers  
Excellencies  
Distinguished guests  
Ladies and Gentlemen

I am honoured to welcome you to the First Ministerial Meeting of the Ministers of Justice on the Draft Protocol and Statute of the African Court of Justice. I would also like to thank you, Honourable Ministers, for the effort you made to attend this important meeting in spite of your heavy commitments. I stress on the importance of this meeting being given the responsibility to finalise the Draft Protocol on the African Court of Justice that has been entrusted to us.

Our task has been rendered less onerous since the preparation of the Draft Protocol has benefited from the input of legal experts who were convened by the Interim Chairperson last October and at the beginning of this Year. The

views of the academia have also been taken on board since the Law Faculties of African Universities were invited to comment on the Draft Protocol.

The First Meeting of Experts, Judges and Permanent Representatives' Committee on the Draft Protocol was held in Addis Ababa in April and the Second Meeting has just taken place in Mauritius over the last three days. I am pleased to note that the Meeting of Experts, Judges and Permanent Representatives' Committee has completed its task after thorough and meticulous analysis of the Draft Protocol and has come up with a Final Draft after some very lively but useful debate. I am hopeful that we, in turn, will reach consensus on the Draft that will be placed before us so that the Executive Council may proceed with its adoption when it meets in Maputo. We would then have achieved an important step in the process of establishing the African Court of Justice.

Rt. Honourable Prime Minister,  
Honourable Chief Justice and Judges of the Supreme Court of Mauritius,  
Honourable Ministers,  
Excellencies and Dear Friends

Our citizens have responded most positively to the institutional initiatives we have undertaken, on the adoption of the Constitutive Act of the African Union. We had then made a clear declaration that there was a need to expedite the process of the political and economic integration of Africa and therefore its unity. As a judicial institution, the African Court of Justice will play a vital role in attaining that objective. It will form part of the

institutional triangle that is envisaged by the Constitutive Act and, once operational, will ensure adherence to law in the interpretation and application of the Constitutive Act. It is also contemplated that the Court shall have jurisdiction in all legal disputes concerning the interpretation of a treaty, any question of International Law or any breach of an international obligation and the nature or extent of the reparation to be made for a breach of an international obligation. More importantly the decisions of the Court will ensure that the Constitutive Act and decisions and regulations made thereunder are applicable in the same manner in each Member State.

Rt. Honourable Prime Minister

Honourable Ministers

Ladies and Gentlemen

We are indeed privileged to have been able to play a small but important part in the African Renaissance. For, indeed, Africa is being given a new birth; a new start through initiatives such as NEPAD, a new start through the African Union, a new start through the first pan-African Court of Justice.

The Government of Mauritius shares the continent vision of stability, peace and prosperity. These objectives (colleague Ministers) can only be achieved and nobody will gainsay, by the promotion of good governance, democracy and respect for human rights.

We have, as you will be aware, particular interest in ensuring that the Draft Protocol on the African Court of Justice is finalised as early as possible. Indeed, we have no doubt that when the time for the **physical** establishment of the Court comes, those eminent personalities charged with selecting its location will exercise judicious discernment, display the traditional sense of equity and balance required in such circumstances and choose an ideal, not to say, idyllic, location ....

I look forward to deliberating with fellow Ministers of Justice in the coming hours and, in the mean time, thank you all for your attention.