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02 Nov 2023



CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

CONSTITUTION
OF
THE AFRICAN JUDICIAL TRAINING NETWORK

PREAMBLE

The Judicial Institute for Africa (JIFA), the African Francophone Judicial Training Network (AFJTN) and the judicial training institutions and judiciaries of the Anglophone, Francophone and Lusophone countries of Africa meeting at Cape Town, South Africa on 19th and 20th January 2023:

Considering that the construction of the rule of law and democracy require the establishment of an efficient and credible judiciary;

Convinced that the efficiency and credibility of the judiciary depend on the training of competent judicial officers;

Reaffirming that regional and international groupings require close cooperation in the field of judicial training;

Acknowledging the shared challenges related to financial and pedagogical resources for judicial training;

Cognisant of the existing domestic structures and mandate for judicial training in national jurisdictions and the spirit of collaboration and partnership;

Recognising and committed to the ten (10) principles of the International Organisation for Judicial Training (IOJT); and

Decide to constitute an African non-profit organisation in the form of a common law voluntary association governed by the present Constitution and the legal provisions on associations of the country of its headquarters.



TITLE I: NAME - SEAT - DURATION

Article 1 - Name

The Association's official name is:

THE AFRICAN JUDICIAL TRAINING NETWORK

abbreviated as "AJTN";

The Association shall in French be known as:

"ASSOCIATION AFRICAINE DE FORMATION JUDICIAIRE",

abbreviated as "AAFJ"; and

The Association shall in Portuguese be known as:

"REDE AFRICANA DE FORMAÇÃO JUDICIARIA",

abbreviated as "RAFJ".

Article 2 - Headquarters

1. The registered office of the AJTN shall be established in Cape Town, South Africa.
2. It may be transferred to another member country in case of necessity and by the decision of the General Assembly.

Article 3 - Duration

The AJTA is established for an unlimited duration and may be dissolved pursuant to Article 18.

TITLE II: PUBLIC BENEFIT OBJECTIVE AND LEGAL NATURE

Article 4 - Public Benefit Objective

The purpose of the AJTN is to promote the rule of law and democracy by cultivating and fostering an efficient and credible judiciary through appropriate training and support.

To achieve its public benefit objective, the AJTN proceeds in collaboration and partnership with existing national training structures

- i. supporting the various judicial training structures;
- ii. promoting appropriate training programmes for the benefit of African judicial officers;



- iii. analysing and identifying the training needs of judicial officers of the members;
- iv. exchanging experiences in judicial training;
- v. designing standard judicial training programmes and tools;
- vi. reinforcing the capacities of the authorities in charge of the judicial training institutions of the members;
- vii. compiling a database of resource persons;
- viii. promoting research, publication and documentation in legal and judicial matters; and
- ix. cooperating with other organisations or associations with similar objectives.

TITLE III: LEGAL STATUS, POWERS AND TAXATION

Article 5 – Legal status of AJTN

1. The AJTN is a body corporate with its own legal identity which is separate from its Steering Committee Members and Founding, Additional and Observer members. The AJTN will continue to exist even if the Steering Committee Members and Founding, Additional and Observer members change.
2. Steering Committee Members or other Members have no rights in the property or other assets of the AJTN solely by virtue of their being deemed Steering Committee Members or Members.
3. The income and property of the AJTN shall be used solely for the promotion of its Public Benefit Objective and shall not be paid or distributed directly or indirectly to any person, or to any Steering Committee Member or other Member of the AJTN, except as reasonable compensation for services actually rendered to the AJTN or reimbursement of actual costs or expenses reasonably incurred on behalf of the AJTN.

Article 6 – Powers of AJTN

AJTN shall have the same powers as that of a company under the Companies Act of 2008, as amended. Such powers include:

4. To institute or defend any legal or other proceedings and to settle any claims;
5. To prudently invest funds of AJTN;
6. To buy, attain, maintain, manage, lease, sell, or in any way deal with property and assets of AJTN;
7. To donate and transfer the property and assets of AJTN to public benefit organisations with similar objectives,
8. To borrow and to use the property or assets of AJTN as security for borrowing,
9. To execute any act or deed in any deeds registry, mining titles or other public office,



10. To exercise all the management and executive powers ordinarily vested in the Board of Directors of a Company, and
11. To carry out all the powers and authority of AJTN in South Africa and in any other part of the world.

Article 7 – Taxation of AJTN

The Steering Committee shall apply to the Commissioner for the South African Revenue Service for approval as a Public Benefit Organisation in terms of section 30 of the Income Tax Act, upon approval, the conditions contained within **Schedule A** of this Constitution shall bind the AJTN.

TITLE IV: MEMBERS

Article 8 - Founding members

The founding members of the AJTN are the following:

1. The Judicial Institute For Africa (JIFA);
2. The Reseau Africain du Formation Judiciare (Francophone Judicial Training Network);
3. For the Republic of Botswana - The Administration of Justice;
4. For the Republic of Guinea - Le Centre du Formation Judiciaire (CFJ) (The Judicial Training Centre of the Republic of Guinea);
5. For the Republic of Kenya - Kenya Judiciary Academy (KJA);
6. For the Republic of Malawi - The Judiciary of Malawi;
7. For the Republic of Mauritius - The Institute for Judicial and Legal Studies;
8. For the Republic of Mozambique - Centro de Formação Jurídica e Judiciária (Centre of Judicial and Legal Training) (CFJJ);
9. For the Republic of Namibia - The Office of the Judiciary;
10. For the Republic of Niger - 1'École de la Formation Judiciaire du Niger (The School for Judicial Training in Niger);
11. For the Republic of Senegal - le Centre de la Formation Judiciaire du Senegal (The Judicial Training Centre of Senegal);
12. For the Republic of Seychelles - The Judiciary of Seychelles
13. For the Republic of Tanzania - The Institute of Judicial Administration, Lushoto (IJA);



14. For the Republic of Togo - Le Centre de Formation des Professions de Justice (The Centre for Training of Judicial Professions);
15. For the Republic of Uganda - The Judicial Training Institute;
16. For the Republic of Zambia - The Judiciary of Zambia; and
17. For the Republic Zanzibar - The Judiciary of Zanzibar.

Article 9 - Additional Members

1. Any institution or structure involved in the training of judicial officers at a national, regional or continental level in Africa may become a member.
2. The application for membership shall be addressed to the Executive Secretariat of the AJTN.
3. The decision to admit a new member shall be taken by the General Assembly by an absolute majority vote of the members present or represented.
4. Adhering members are required to pay a membership fee at the time of their admission. The amount of the membership fee shall be determined by the General Assembly.

Article 10 - Observer members

1. Individual or corporate members who are not eligible for active membership under Article 7 of this Constitution may become observer members.
2. The observer member status shall be acquired and lost in accordance with the conditions Articles 7 and 9.
3. Individuals or organisations may by invitation be observers at General Assembly meetings without the right to vote. An observer shall not be eligible to participate in the work of the organs of the ATJN.
4. An observer may attend meetings of the General Assembly without the right to vote and assist with the work of Committees.

Article 11 - Loss of membership

1. A member may terminate its membership of the ATJN by written correspondence to the Executive Secretary.
2. Termination shall become effective upon receipt of the letter of resignation and acknowledgment of the same by the Executive Secretary.



3. The member shall remain liable for all its commitments to the ATJN until the date of resignation is received and acknowledged.
4. A member may be expelled from the ATJN especially in the event of a gross or serious violation of the present Constitution or actions that harm or are likely to harm the reputation of the ATJN.
5. Upon the referral of the Steering Committee, the General Assembly shall decide the exclusion of a member of the Network by a two-thirds majority vote. The member concerned may contest the exclusion procedure as prescribed by the Rules.

Article 12 - Annual subscription

1. Members shall pay an annual subscription fee allocated to the ATJN's operating costs.
2. The amount of the annual subscription shall be fixed by the General Assembly.

TITLE V: ORGANS AND FUNCTIONING

Article 14 - The Organs

The organs of the AJTN are:

- i. The General Assembly;
- ii. The Steering Committee; and
- iii. The Secretariat.

Article 12 - The General Assembly

1. The General Assembly is the supreme body of the Network. It shall be vested with full powers to achieve the public benefit objective of the Network. In this respect, it shall determine the general policy of the Network.
2. The General Assembly shall be composed of representatives of the member institutions of the Network, with not more than two delegates per member institution exercising only one vote. Observers may also attend the General Assembly but without voting rights.
3. The Chairperson and Deputy Chairperson of the General Assembly shall rotate based on geographic and linguistic representation.
4. The Chairperson and the Deputy Chairperson of the General Assembly shall also be the Chairperson and Deputy Chairperson of the Steering Committee for the duration of their office.
5. The General Assembly shall meet at least once a year. It shall be convened by its Chairperson at least two months before the date of the meeting. If the Chairperson does not convene the General Assembly, it may be convened at the request of at least two-thirds of the members of the Network.



6. The General Assembly shall have the power to:
 - i. amend the Constitution;
 - ii. adopt the rules of procedure for all the organs and commissions of the Network;
 - iii. determine the activities of the Network;
 - iv. elect the Chairperson and Deputy Chairperson of the General Assembly, the members of the Steering Committee, and the Secretariat from amongst its members taking into consideration the adequate representation of the main regions of Africa and the African legal traditions with a gender balance;
 - v. validate the terms of reference of commissions and working groups on specific topics related to the activities or organisation of the Network and appoint their members;
 - vi. vote the budget and approve the accounts of the Network;
 - vii. adopt the Network's Rules of Procedure; and viii. approve the activity report of the Steering Committee and the Secretariat.
7. The General Assembly shall deliberate by a simple majority of the votes cast, with the exception of votes on amendments to the Constitution and Rules of Procedure, which a two-thirds majority shall approve.

Article 15 - The Steering Committee

1. The Steering Committee shall consist of seven (7) members:
 - a. The Chairperson;
 - b. The Deputy Chairperson;
 - c. The Executive Secretary; and
 - d. Four other members
2. The Steering Committee shall have the power to implement this Constitution, including to:
 - i. convene, preside and determine the proceedings of the General Assembly sessions;
 - ii. supervise all administrative, financial and technical matters of the AJTN;
 - iii. ensure that the Executive Secretariat implements the decisions of the General Assembly;
 - iv. prepare the reports to be submitted to the General Assembly for consideration;



- v. examine all proposals to be submitted to the General Assembly and
 - vi. define the duties of the Deputy Executive Secretary.
3. In the period between two sessions of the General Assembly, the Steering Committee may make proposals or take initiatives necessary for the proper functioning of the Network and shall refer them to the next session of the General Assembly.
 4. The General Assembly elects the members of the Steering Committee for a three-year term, except for the Executive Secretary.
 5. The Steering Committee shall meet (in person or remotely) at least three (3) times annually at the request of its Chairperson or the Executive Secretary. The meeting is convened by letter, fax, e-mail, or other means of communication.
 6. The Steering Committee shall be quorate with at least four (4) of its members present.
 7. Questions arising shall be decided by consensus. In the absence of consensus, through a majority of votes. Should there be an equality of votes the Chairperson shall have a casting or second vote.
 8. Proper minutes and attendance records must be kept of all meetings of the Steering Committee.

Article 16 - The Secretariat

1. The Secretariat shall be responsible for the day-to-day running of the Network including financial administration of the Network.
2. It shall consist of the Executive Secretary and a Deputy Executive Secretary.
3. The Secretariat shall be supported by administrative, technical, and accounting structures. These include the Permanent Secretariat based at the headquarters of the Network and functions as an administrative unit. This Secretariat works under the direction and responsibility of the Executive Secretary.
4. The duties of the Executive Secretary include the following:
 - i. to represent the Network externally;
 - ii. to manage the financial resources of the Network;
 - iii. to prepare the meetings of the Steering Committee and the General Assembly;
 - iv. to initiate activities with the approval of the Steering Committee and to coordinate and monitor their implementation;
 - v. to identify the need for political or strategic action and propose initiatives to the Steering Committee; and
 - vi. to disseminate information on projects undertaken by one or more members of the Network, as well as the results of these projects.



TITLE VI: RESOURCES AND FINANCIAL MANAGEMENT

Article 17 - Resources

The resources of the AJTN shall consist of:

- i. membership fees;
- ii. income from various activities;
- iii. contributions (in kind and cash) for specific projects and activities; and
- iv. grants, donations and legacies.

Article 16 Financial Management

1. The financial transactions of the AJTN shall be conducted by means of a bank account and funds of the Network shall be deposited in the account opened at a banking institution at the headquarters of the Network. This account shall operate under the double signature of the Chairperson of the Steering Committee and the Executive Secretary.
2. Financial statements shall be prepared at least once a calendar year and should be audited by an external accountant.
3. The financial year end of the AJTN shall be end of December.

TITLE VII: AMENDMENT OF THE CONSTITUTION - DISSOLUTION

Article 19 - Modification of the Constitution

1. Any proposal to amend the Constitution must be initiated by the Steering Committee or from at least one-third of the members of the Network. The Steering Committee shall inform the members of the draft amendment to the Constitution at least three months before the holding of the General Assembly, which decides on the said draft.
2. The Steering Committee may amend the Constitution for the sole purpose of correcting a patent error in spelling, punctuation, reference, grammar or similar defect or to comply with an applicable provision under law that requires the inclusion a specific clause within the Constitution, provided that the Steering Committee must notify the Founding and Additional Members of the AJTN, in writing, of the proposed amendment.
3. The General Assembly shall deliberate in the presence of two-thirds of the members. In the absence of this quorum, a new meeting shall be convened with 30 days' notice and shall deliberate whatever the number of members present. Motions shall be approved by a two-thirds majority of the votes cast.

Article 20 - Dissolution of the Network

1. The AJTN may be dissolved by a decision of the General Assembly taken by a majority of four-fifths of the members.



2. In the event of dissolution or liquidation, the net assets of the Network shall be allocated to another non-profit organisation which the Steering Committee considers appropriate and which has objectives the same or similar to the objectives of the AJTN, and should the AJTN be exempt from the payment of any taxes and duties;
- i. Any similar public benefit organisation which has been approved in terms of section 30 of the Income Tax Act;
 - ii. Any institution, board or body which is exempt from tax under the provisions of section 10 (1)(cA)(i) of the Income Tax Act, which has as its sole or principal object the carrying on of any public benefit activity; or
 - iii. Any department of state or administration in the national or provincial or local sphere of government of the Republic.

3.

TITLE VII: CONCLUDING PROVISIONS

Article 21 - Applicable law

In case of any dispute arising from or relating to the Network, the applicable law shall be the law of the seat of the Secretariat.

Article 22 - Languages of the Network

1. The working languages of the AJTN shall be English, French and Portuguese. All documents produced or distributed within the Network shall be drawn up in these three languages.
2. However, the General Assembly may add a new language as it deems appropriate.
3. The English, French and Portuguese texts of the present Constitution are equally authentic.

Article 23 - Entry into force

The present Constitution shall enter into force on 24 April 2023.

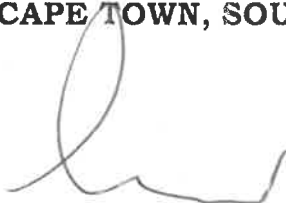
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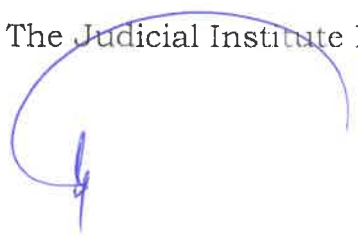
At **CAPE TOWN, SOUTH AFRICA**



Justice Mathilda Twomey

Director of Training

The Judicial Institute For Africa (JIFA)



Amadou Bal. Magistrat

Directeur général

~~The Réseau Africain du Formation Judiciaire (CEJ)~~

~~Sénégal~~

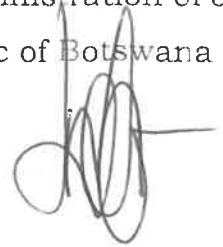
Association du
CENTRE DE FORMATION
Judiciaire (CFJ)
SENEGAL

Judge Michael Leburu

Judge of the High Court

For the Administration of Justice

The Republic of Botswana



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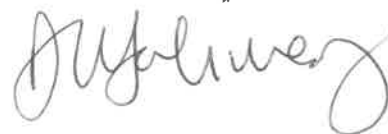
Justice Alhassane Naby Camara
Directeur Général
Le Centre du Formation Judiciaire (CFJ)
Guinée



Justice (Dr) Freda Githiru
Judge of the High Court
Deputy Director, Kenya Judiciary Academy (KJA)
The Republic of Kenya



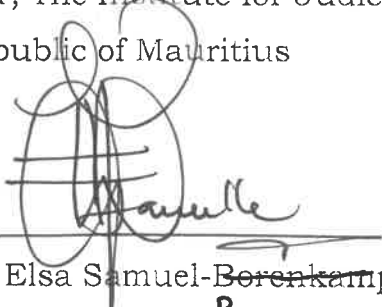
Justice Annabel Mtalimanja
Judge of the High Court
Chairperson of the Judiciary of Malawi
The Republic of Malawi



Mrs. Lavishka Seejore-Biltoo
Director, The Institute for Judicial and Legal Studies
The Republic of Mauritius



Justice Elsa Samuel-Boerekamp
Director General
Centro de Formação Jurídica e Judiciária (CFJJ)
The Republic of Mozambique

**Boerekamp**

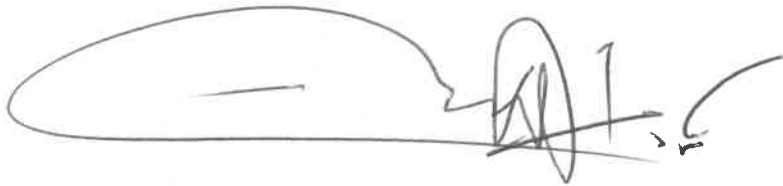
02 Nov 2023

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
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Justice Esi Schimming-Chase
Judge of the High Court
Judiciary of Namibia
The Republic of Namibia



~~Justice~~ Justice Abdou Ibrahim
Directeur Général de l'École de Formation Judiciaire (EFJN)
Niger



Justice Gustave Dodin
Judge of the Supreme Court
The Republic of Seychelles



Justice Paul Faustin Kihwelo
Principal and Judge of Appeal
Principal, The Institute of Judicial Administration, Lushoto (IJA)
The Republic of Tanzania



~~Justice~~ Justice Essozima Bidasa
Directeur Général,
Centre de Formation des Professions de Justice (CFPJ)
Togo



02 Nov 2023




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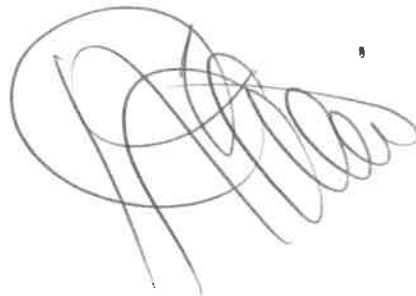
Justice Flavin Zeija
Principal Judge of Uganda
The Judicial Training Institute
The Republic of Uganda



Justice Nicola Ann Sharpe-Phiri
Judge of the Court of Appeal
The Judiciary of Zambia
The Republic of Zambia



Justice George Kazi
Judge of the High Court
The Judiciary of Zanzibar
The Republic of Zanzibar





ANNEXURE A: As provided for in Article 7 of this Constitution, the AJTN may apply to the Commissioner for SARS for approval as a Public Benefit Organisation in terms of Section 30 of the Income Tax Act. Upon approval the Organisation shall:

1. Be required to have at least three persons, who are not connected persons in relation to each other, to accept the fiduciary responsibility of the AJTN.
2. Ensure that no single person directly or indirectly controls the decision-making powers relating to the AJTN.
3. Is prohibited from distributing any of its funds to any person (otherwise than in the course of undertaking any public benefit activity) and is required to utilise its funds solely for the object for which the AJTN has been established.
4. Be prohibited from accepting any donation which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in terms of section 18A; provided that a donor may not impose conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.
5. Ensure that it is not knowingly a party to, and does not knowingly permit itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is or was the reduction, postponement or avoidance of liability for any tax, duty or levy, which, but for such transaction, operation or scheme, would have been or would have become payable by any person under the Act or any other Act administered by the Commissioner.
6. Submit to the Commissioner a copy of any amendment to this Constitution.
7. Not pay any remuneration to any employee, office bearer, Member or other person, which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered.
8. Comply with such reporting requirements as may be determined by the Commissioner.
9. Has not and will not use its resources directly or indirectly to support, advance or oppose any political party.
10. Ensure that all its public benefit activities are carried on in a non-profit manner and with an altruistic or philanthropic intent.
11. Ensure that no such public benefit activity is intended to directly or indirectly promote the economic self-interest of any fiduciary or employee of the AJTN, otherwise than by way of reasonable remuneration payable to that fiduciary or employee.
12. All public benefit activities carried on by the AJTN will be for the benefit of, or widely accessible to, the general public at large, including any sector thereof, other than small and exclusive groups.