



Programm Point Sud 2014

African Courts: Actors, Institutional Developments and Governance

Niamey (Niger) – 4th to 11th of December 2014

Report



Organisers

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Themes and Objectives

Across Africa, courts share characteristics beyond their specific colonial history, legal system and national development: they face similar challenges of legitimacy and efficiency, within plural normative orders. Material and structural constraints shape the everyday work of the judicial administration. But how exactly do African courts work? How are they regulated? Who are their actors? And what are their practices, values and norms? Do some court characteristics contribute more to democratization and good governance than others? If so, why and under what conditions?

The goal of the workshop was to bring together young scholars from Africa and the “North” who explore specific aspects of the general workshop topic, both, in recently finished and on-going research across Africa. Effectively, the workshop brought together 22 early and mid-career researchers who share a common interest in African courts, to engage in new avenues of cooperation on the following sub-themes:

- organization and administration of justice (including research on the day-to-day functioning of courts, court management, judging and sentencing);
- sociology and behaviour of court actors (including research on judges, clerks, bailiffs, and court registrars, their career trajectories, values and boundary work as well as on appointment politics);
- reform and harmonization of institutional settings (including court reforms in the 2000s, the relations between customary courts and state courts, and the relation of courts with other arms of government).

The workshop organizers assumed that anthropological micro-level analysis, sociological research on actors' behaviour and political science approaches on comparative structure-agency-linkages have great potential to speak to each other once the common interest had been specified. Furthermore, the organizers expected that more fields of cooperation would emerge on how political institutions shape the day-to-day behaviour of court actors or why some political court reforms are more efficient than others. In brief, interdisciplinary exchange would do both, enhance the work on general causal effects with deeper empirical insights and factual precision, as well as take dense descriptions towards more rigorous comparative frameworks and theoretical insights of more general interest.

This workshop aimed at stimulating collaborative, comparative work in groups of two or more researchers, each working group based on a common topic or approach. The workshop provided a unique opportunity to find such common interests and to develop contributions for scholarly journals and to engage in future research projects. Therefore, the workshop targeted at providing the best environment for the preparation of co-authored or jointly inspired

articles and aimed at initiating collaborative efforts and comparative work, and at creating a network of research on African courts which extends and deepens existing networks.

Methodology and Results

About 20 post-docs and PhD students working on courts in Africa had been invited from various institutions across Africa and the global north to gather at the LASDEL in Niamey. Of the 20 African and European Post-doc and PhD participants about half were directly invited according to existing networks, the other half was chosen through a call for papers. In spring 2014, the call for papers was distributed via partner institutes (e.g. LASDEL Niamey and LASDEL Benin, the Tanzanian-German Centre for Eastern African Legal Studies, etc.), and also circulated more broadly making use of established networks such as AEGIS and networks of sociology of law. The organizers invited submissions in English and French; bilingual applicants had an advantage in the selection process, the participants' individual language skills were vital for coordinating the working groups for prospective collaborative publications.

The workshop obviously benefited from the established collaboration among the workshop organizers in previous research projects and workshops. The Laboratory for the Study and Research of Social Dynamics and Local Development (LASDEL) in Niamey was an ideal partner for the proposed workshop on African courts. Courts and the judiciary are well established research topics at LASDEL. Oumarou Hamani works at LASDEL; he has ample research experience in the thematic field of the workshop and access to local actors and institutions to prepare activities in Niamey (excursion to courts and key actors).

This workshop was predicated on four parts:

- a) Stimulating cooperation - thematic presentations on current work: in ten plenary sessions with five thematic areas, participants dealt with specific aspects of the workshop topic (Judicial Independence and Appointments, two sessions; The Behaviour of Courts, Judges and Prosecutors, four sessions; International Courts; Elections; Legal Pluralism, two session). Every participant presented his/her work with the aim of identifying common interests for the preparation of co-authored articles and other collaborative projects. Discussants and panel chairs of the workshop were recruited among the participants.
- b) "Excursion to the judiciary": this allowed for exchange between workshop participants and local institutions and actors. The excursion and reports on it in a plenary session stimulated and directed the discussions within the working groups. Thematic questions were prepared by each group beforehand. Group A met the minister of justice for a discussion of appointment policies and political perceptions of the constitutional court in the 7th Republic. Later that day, group A visited the constitutional court and met the court's president and judges for group discussions on the political role of the court and inter-branch relations. Group B visited the "Tribunal de Grande Instance" of Niamey and met the court's president, judges and prosecutors for group discussions on the court's administration, justice delivery, and recent reforms and structural improvements. In the afternoon, group B visited a local district court and discussed with the judge and staff the court's administration, access to justice and working conditions.

- c) Meet & Talk sessions and working groups: the workshop provided ample time for individual exchanges on specific topics and focussed discussions in small working groups of potential co-authors. We particularly encouraged North-South cooperation. In the working groups participants linked up shared research interests, discussed collaborative projects and outlined commitments. Given the importance of personalized power relations in Africa, joint research on judicial appointments is one particularly obvious field for fruitful interdisciplinary work: sociological and ethnographic work on the judges' socio-cultural background, education and careers easily merge with political science research on the causal effects of appointment policies on democracy and good governance. The following working groups were established in the course of the workshop:
- i) Working group on courts and legal pluralism
Coordinated by A.S. Anamzoya, F. Diallo
Planned outcome: edited volume in 2016/2017
 - ii) Working group on judicial appointments, judicial networks and judicial careers on Africa's highest courts
Coordinated by S. Dezalay, J. Budniok, A. Stroh
Planned outcome: coordination of joint papers, special issue, research group
 - iii) Working group on prosecutors, their day-to-day work and politics
Coordinated by J. Mugler and S. Verheul
Planned outcome: small mid-term workshop in Bern in 2015 and a special issue on African prosecutors 2015/2016; follow up research considered
 - iv) Joint article (co-authored) on judges in Benin, their challenges and day-to-day work bringing together research of S.S. Tchantipo, S. Andreetta, A. Kolloch; 2015/2016
- d) Evaluation of workshop and commitments: finally, all working groups presented their results and commitments and substantiated their cooperation by drafting first steps to co-authored works. Feedback given in the final discussion and feedback sheets was very helpful for the workshop organizers: participants appreciated the possibility to meet, talk and plan further activities freely. It became clear that the participants organized themselves in a very dynamic and constructive manner. Participants and conveners would grant even more time to such activities in future workshop arrangements. Language was indeed a bigger challenge for some participants than anticipated. In a future workshop, even more attention should be paid to language skills and the need for interpretation to leave time and opportunity to cope with it. In the final discussion, ideas for a second workshop in 2016 were put forward.

Sustainability of the Event

This workshop has been the first of its kind: participants expressed a high degree of enthusiasm and were grateful for this opportunity provided by the Point Sud Programme. Participants expressed the idea for a follow-up workshop for personal discussions after one year to build on the results of the first workshop and to elaborate on collaborative work in the meantime.

Commitments for collaboration and networking were initiated in several areas:

- One working group aims at editing a volume on courts and legal pluralism. Several joint papers are expected by members of the four working groups. Two special issues are planned and setting up of a joint research project is considered for 2016 by one working group (see also 3, results of working groups i-iv).
- To facilitate sustainability of the network and to enhance collaboration, the workshop organizers started a web-based social network for all participants. This platform will be used to exchange information among all participants, to keep the smaller working groups running, and to share conference and workshop announcements.
- Several participants are now invited to panels on international conferences organized by some of the workshop participants, e.g. ECAS 2015 in Paris, LSA 2015 in Seattle, etc.

To keep up commitments, to finalize ongoing projects of the 2014 workshop, to continue and enhance collaboration of the working groups, the workshop organizers intend to apply for a second workshop with the Point Sud programme 2016. A good option to organize a follow-up workshop could be Bamako. We would organize a follow-up workshop in close cooperation with colleagues of the University of Bamako. Such a workshop would serve for enhanced discussions of advanced drafts for joint publications, that is, topics the participants of the first workshop have identified in the working groups for co-authored papers. It would also provide the opportunity to integrate a small number of additional young researchers currently working on the topic into the network, and in particular students, researchers and colleagues in Mali into the workshop activities in Bamako.

Participants

1. Dr. Mahamat Adam History, Université de Maroua
2. Dr. Anamzoya Alhassan Sociology, University of Ghana
3. Sophie Andreetta M.A. Social Anthropology, Université de Liège
4. Rebecca Badejogbin M.A. Law, University of Cape Town
5. Katlego Bagwasi M.A. Law, Gaborone, University of Botswana
6. Peter Brett M.A. Political Science, SOAS London
7. Dr. Jan Budniok Social Anthropology, University of Hamburg
8. Dr. Sara Dezalay Political Science, Goethe University Frankfurt
9. Dr. Fatimata Diallo Law and Legal Anthropology, University of Cape Town
10. Dr. Oumarou Hamani Social Anthropology, LASDEL Niamey
11. Emma Hayward M.A. Political Science, University of Pennsylvania
12. Charlotte Heyl M.A. Political Science, University of Duisburg-Essen
13. Dr. Saka Ismael Law, University of Ilorin
14. Annalena Kolloch M.A. Social Anthropology, University of Mainz
15. Patryk Labuda M.A. Law, GIIDS Geneva
16. Pius Mosima M.A. Political Science and Philosophy, University of Bamenda
17. Dr. des Johanna Mugler Social Anthropology, University of Bern
18. Tillmann Schneider M.A. Law, Humboldt University Berlin
19. Dr. Alexander Stroh Political Science, GIGA Hamburg, Germany
20. Dr. Sai Sotima Tchantipo Social Anthropology, LASDEL Parakou
21. Celestin Tukala M.A. Political Science, Université de Kinshasa
22. Dr. Susanne Verheul International Development, Oxford University