



Program Point Sud 2016

African Courts: Actors, Institutional Developments and Governance II 21-23 February 2016 Ouagadougou Report



1. Conveners

Dr Alhassan Sulemana Anamzoya, Sociology, University of Ghana

Dr Jan Budniok, Social Anthropology, University of Hamburg

Dr Oumarou Hamani, Social Anthropology, LASDEL Niamey

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2. 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 second workshop in Ouagadougou in February 2016 was a follow-up workshop to our first meeting in Niamey in 2014. The initial medium to long term objective of the two workshops was the establishment of an interdisciplinary and truly transcontinental network of young scholars working on African courts as political and societal actors. The follow-up workshop aimed at building on the results of the first workshop, namely to deepen the interdisciplinary network, to advance joint research and publication projects as well as to substantiate new projects.

At the first workshop in Niamey, about 20 early and mid-career researchers from social anthropology, sociology, political science and law with a common interest in African courts had naturally clustered in three specified fields of study:

- A) The interface of formal courts and legal pluralism.
- B) The politics and sociology of judicial appointments.
- C) The challenges of day-to-day work of judges and prosecutors.

In Niamey, participants had expressed their interest in a methods session with inputs by specialists among the network members addressing the following questions: How to best compare observations in different countries? What are the appropriate standards for ethnographic research on judicial actors' biographies? How can systematic social network analysis be applied to study the social relations of African judges? The joint methodological interest in the analysis of judicial actors' behavior inspired the core session on methods and their application in Ouagadougou that substantially inspired the research activities in the efficient sub-groups.

3. Methodology and Results

About 20 early career professors, post-docs and PhD students working on courts in Africa had been invited to join the second workshop in Ouagadougou's Centre de la Gouvernance Démocratique (CGD). They originate from various academic institutions across Africa and the global north. Most of the participants had already attended the first workshop in Niamey. They represent the large share of first-round attendees who continued collaborating in between the workshops. New participants were selected to further strengthen the sub-groups by bringing in more early career scholars which have specialized in the respective fields of study. Moreover, researchers of our host institution joined the working groups, took part in the activities and integrated into the ongoing work.

All participants contributed to the workshop with at least one presentation to either the plenary or the sub-group. Many participants took more than one of these roles. Iterative plenary and subgroup sessions served the purpose of, on one the hand, tying the entire network closer together and to provide peer advice as well as of, on the other hand, advancing more specific transcontinental and transdisciplinary research activities represented by the subgroups. Such collaborative research could not have come into being without the Point Sud framework. This approach shaped the five parts of the workshop:

- a) Extended updates: A plenary session served to inform all participants on the sub-groups' work since the first workshop in Niamey and to update all network members on individual academic activities and publications since the last meeting in December 2014 (e.g. a special issue on lawyers was edited by S. Dezalay and published in 2015 in *Politique Africaine*; participants had organized and/or presented papers on various conferences such as ECAS 2015 in Paris and LSA 2015 in Seattle etc).
 - i. Group A reported on the book proposal for an edited volume on the interface of formal courts and legal pluralism. An outline of the edited volume, coordinated by A.S. Ananzoya and F. Diallo, was presented. Contributors to the edited volume were recruited among the participants of the first workshop in Niamey.
 - ii. Group B reported on its preparation to obtain third party funding for a project on African superior court judges and judicial appointments with contributions on various African countries.
 - iii. Group C reported about several co-authored articles combined with a special issue proposal project on the day-to-day work of judges and prosecutors. A. Kolloch and S. Verheul presented work on a joint article on judges in Benin and had presented their paper at ECAS 2015 in Paris.
- b) Work in subgroups: Sessions in the working groups iterated with plenary activities to create opportunities of mutual advice. All subgroups conducted thematic discussions that created interesting feedback opportunities within in subgroup of specialists and aimed at sustaining the network dynamics for future collaboration at a same time.
 - i. Group A discussed individual draft chapters for a joint book proposal and engaged in first discussion on how research about local courts should advance which may lead into another joint research project of the subgroup members after the book project flowing from the first workshop and being finalized at this workshop.

- ii. Group B discussed steps toward the anchoring of a new research agenda using the network's capacities. Therefore, the subgroup developed a detailed framework to jointly research judicial appointments and careers in Africa by using several national and international resources. The workshop's substantial discussions about elements and strategies to conduct research on the subgroups joint interest across various disciplines and research cultures (a) built on the fact that most participants already had a clear picture of the others' work and (b) created the foundation for a future net of coordinated research projects.
 - iii. Group C, smaller than the others, discussed the drafts of various co-authored article as well as the proposal for a special issue and a workshop on African prosecutors in July 2016 in Oxford.
- c) "Academia meets the judiciary": a visit to Burkina Faso's constitutional court (Conseil constitutionnel) not only inspired the group with insights and ideas about the host country's judiciary drawn from a conversation with the president of the court and leading staff members, but also substantiated empirical consciousness for and intra-group debates about differences between Francophone and Anglophone judicial systems. This part of the workshop, thus, proved to be stimulating and fruitful beyond the visit itself.
 - d) Methods session: Three individual presentations were held on selected methods related to networks' research on courts and the judiciary. R. Ellett reflected on interviewing judges, fieldwork and data collection. J. Budniok talked about the strategies and challenges of biographical research on actors in the judiciary. A. Stroh presented a paper on social network analysis in the judiciary. Discussions on the three introductory lectures were continued in-depth in smaller groups: according to their field of interest, participants divided into three groups with the opportunity to change the group after one hour.
 - e) Commitments and evaluation of workshop: all subgroups presented plenary reports on their work, results and future commitments which they jointly developed in the workshops. In a final session, participants evaluated the workshop and immediate feedback was given to provide the basis for future collaboration within the network.

4. Sustainability of the Event

The unique opportunity to meet for a second time with almost the same network of early career scholars in the under-researched and naturally interdisciplinary field of judicial studies in Africa, provided by Point Sud, gave another boost to collaborative activities that will continue. The first workshop was able to establish contact and discover subfields of special interest, but only the option for a second workshop provided the entire group with a perspective: the perspective not to lose track as well as to have the chance to finalize and enhance joint research activities. This would have been all too difficult outside the Point Sud framework, in particular, because early career colleagues based in Africa often lack the financial resources to frequently travel to international conferences which, then, do not provide the effective structures to create new issue-oriented networks. The second workshop not only consolidated a unique transcontinental and interdisciplinary network of young scholars, but also prompted commitments for further collaboration. Members of all sub-groups are planning or

have already scheduled follow-up meetings and conference workshops (e.g. ECAS 2017). Other proofs of academic sustainability – at least at the specialized level of sub-groups – are:

- Subgroup A: The proposal for an edited volume on courts and legal pluralism, coordinated by A.S. Anamzoya and F. Diallo was finalized and submitted to Brill after the workshop. A possible second edited volume is under discussion.
- Subgroup B: Several initiatives for third-party funding took shape upon initiative of subgroup members after the workshop. The German proposal on a data bank by Funding applications for projects (Germany and UK) and further publication workshops (USA) will be submitted successively. All initiatives make use of the analytical framework created in Ouagadougou. Proposals are reviewed and refined by subgroup members. The UK initiative for a qualitative comparative study of judicial actors in selected countries by S. Dezalay and P. Brett has already been granted funding by the British Academy (Leverhulme Small Research Grants).
- Subgroup C: A workshop on African prosecutors organized by J. Mugler and S. Verheul in Oxford (originally scheduled for July 2016) had to be rescheduled for 2017 due to financial constraints in funding African participants. However, the subgroup is well enough consolidated not to lose track.

5. Participants

1. Dr Mahamat Adam History, Université de Maroua
2. Dr Alhassan Anamzoya 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. Dr Peter Brett Political Science, Queen Mary University of London
6. Dr Jan Budniok Social Anthropology, University of Hamburg
7. Dr Josephine Dawuni Political Science, Howard University Washington D.C.
8. Dr Sara Dezalay Political Science, University of Cardiff
9. Dr Fatimata Diallo Law and Legal Anthropology, University of Cape Town
10. Dr Rachel Ellett Political Science, Beloit College Wisconsin
11. Dr Saka Ismael Law, University of Ilorin
12. Annalena Kolloch M.A. Social Anthropology, University of Mainz
13. Dr Pius Mosima Political Science and Philosophy, University of Bamenda
14. Tillmann Schneider M.A. Law, Humboldt University Berlin
15. Dr Katrin Seidel Social Anthropology, MPI Halle
16. Prof Alexander Stroh Political Science, University of Bayreuth
17. Dr Sai S. Tchantipo Social Anthropology, LASDEL Parakou
18. Dr Celestin Tukala Political Science, Université de Kinshasa
19. Dr Susanne Verheul International Development, Oxford University

Unfortunately, one of the organizers, Dr. Oumarou Hamani, had to cancel his participation due to a strike at Niamey Airport and a subsequent border closure due the 2016 national elections in Niger. Other participants' arrivals were delayed due to opaque rescheduling and annulations of flights by Air France, following a terrorist attack in January. Fortunately, this has only partially affected the workshop's efficiency.