

African Judiciaries Research Network (AJRN) newsletter, no. 4, November 2023

If anyone has any **information that they would like included in the next newsletter** (to be circulated the week of 4 December 2023) please email g.lynch@warwick.ac.uk. Similarly, if you have suggestions of people who we should contact about joining the network or would like to unsubscribe from the newsletter please email g.lynch@warwick.ac.uk.

Grant success and call for papers, Judicial reform in Africa, Workshop in Lusaka and online, February 2024

The African Judiciaries Research Network (AJRN) and Southern African Institute for Policy and Research (SAIPAR) have been awarded a British Institute in Eastern Africa (BIEA) workshop grant to hold a one-day hybrid workshop on judicial reform in Africa in Lusaka, Zambia, on 15 February 2024. The workshop will facilitate a comparative discussion of the history, motivations, nature, achievements and shortcomings of judicial reform across the African continent. The organisers welcome papers that touch on any aspect of judicial reform in Africa (single country or comparative analyses) as well as papers that highlight why judicial reform may be so important and/or challenging. If you are interested in presenting at the workshop please send a paper title, 300 word abstract and details of your institutional affiliation to g.lynch@warwick.ac.uk by **20 December 2023**.

AJRN @ African Studies Association of the UK (ASAUK) 2024

The AJRN's proposal for a stream on African judiciaries at the next ASAUK conference, which will be held in Oxford on 29 to 31 August 2024, has been accepted. People will soon be able to submit abstracts to the stream via the ASAUK website.

Stream proposal: African judiciaries:

From the nullification of presidential elections in Kenya and Malawi to rulings on the constitutionality of public protest and presidential initiatives and rights of marginalised groups, African politics is becoming increasingly judicialized. How the courts deal with these cases, whether they act independently and impartially, why different stakeholders bring cases, how they argue them and how they respond to controversial rulings, and whether justice is seen to be done, will help to determine the future of African judiciaries, democracy and stability. Despite their importance, African judiciaries remain relatively understudied. The African Judiciaries Research Network (AJRN) welcomes papers on any aspect of African judiciaries. This includes the history of courts, judicial reforms and current practices; how judges behave both in and out of courts and explanations of their decision making; the ways in which different actors – from governments to lawyers and litigants – engage with, use and respond to, the courts; the relationship between different legal systems; and public perceptions and understandings.

AJRN @ Socio-Legal Studies Association (SLSA) Conference 2024

A stream proposed by Martha Gayoye has been accepted for SLSA 2024, titled Populism, Courts and Social Change. The conference will be hosted by the University of Portsmouth from **26 to 28 March 2024**. Authors wishing to present at the conference (whether in person or virtually) should visit the conference [website](#) where you will find descriptions of the

streams and current topics that make up the conference. Submission of abstracts should be made via [Oxford Abstracts](#) by **12 January 2024**.

American Political Science Association (APSA) Mini-conference Call for Papers: Institutions and Democracy in Africa

During APSA's 2024 Conference in Philadelphia on 5-8 September 2024 there will be a mini-conference on Institutions and Democracy in Africa (dates of the mini conference to be confirmed).

Abstract: Following the introduction of multiparty elections across many parts of Africa in the early 1990s, domestic and international analysts hoped that democracy would take root by institutionalizing horizontal and vertical accountability and providing more political freedoms to citizens across the continent. While countries such as Ghana and South Africa have made meaningful progress in this direction, many other countries' initial progress towards democratization has stagnated or even been reversed in recent years. How can these diverging patterns be explained?

Comparativist scholarship from across the Global South has highlighted the role of legislatures, courts, electoral management bodies and political parties in this process. From managing elite commitment problems to weakening citizen-elite linkages, political institutions can strengthen democracy or can enable incumbents to control the rules of the game and solidify their hold on power. African states are no exception to these dynamics. Yet, we still know relatively little about how exactly these institutions operate, or how different institutional configurations undermine – or facilitate – democratic processes. For instance, more work needs to be done to identify why some legislatures and parties institutionalize (e.g., Ghana), while others are frequently manipulated by incumbents. Similarly, why are some courts and electoral management bodies captured by the ruling party, while others not only annul fraudulent elections but also uphold these rulings when challenged (e.g., Kenya and Malawi). To better understand these processes, we need to disaggregate political institutions and identify how, when and why they show resilience.

This mini-conference aims to bring together scholars researching the ways in which African political institutions shape democratic outcomes. Through panel sessions and a roundtable discussion, we also aim to generate new insights into how researchers can overcome the methodological challenges they face when studying the relationship between institutions and democracy on the continent. Moreover, this mini-conference will provide an opportunity to initiate new collaborations and encourage data sharing to facilitate future research. Finally, we hope to identify manuscripts for a special issue on African political institutions and democracy to be submitted to *Comparative Political Studies*.

We are looking for papers that explore the ways in which African legislatures, judiciaries, electoral management bodies, and political parties shape democratic outcomes. We are also looking for scholars willing to participate in a roundtable on the methodological challenges of studying political institutions in Africa.

We encourage everyone to apply, especially early-career scholars and/or scholars from Africa. To be considered, please fill out [this](#) form by **4 December 2023**. If you have any further questions, please contact Thalia Gerzso (t.gerzso@lse.ac.uk), Matthias Krönke (m.w.kroenke@lse.ac.uk) or Sarah J Lockwood (sjl55@cam.ac.uk).

Workshop/Conference call

The next British International Studies Association (BISA) conference will be held in Birmingham on 5-7 June. The deadline to submit papers, panels and roundtables is 14 November. All the information is available at <https://conference.bisa.ac.uk/call-papers>.

Recent publications by network members

Erlich, Aaron, Nicholas Kerr, and Saewon Park (2023) Weaponizing post-election court challenges: Assessing losers' motivations. *Electoral Studies* 86 (2023)
<https://doi.org/10.1016/j.electstud.2023.102676>

Gerszo, Thalia (31 October 2023) Kenya's courts were under political pressure: How a constitutional reform empowered judges. *The Conversation*.
<https://theconversation.com/kenyas-courts-were-under-political-pressure-how-a-constitutional-reform-empowered-judges-215820>

Call for book chapters: "The Judicialization of Elections in Africa: Emerging trends and trajectories"

Dr Frangton Chiyemura and Dr Patrick Dzimiri invite book chapters for a forthcoming edited volume on "The Judicialization of Elections in Africa: Emerging trends and trajectories".

Editors:

Dr Frangton Chiyemura, Lecturer in International Development, Development Policy and Practice, The Open University, United Kingdom frangton.chiyemura@open.ac.uk, and **Dr Patrick Dzimiri**, Associate Professor of Politics and International Relations, Department of Development Studies, University of Venda, South Africa Patrick.Dzimiri@univen.ac.za

Elections have become the most widely recognized benchmark for determining a country's participatory democratic processes, particularly in Africa. Holding elections has become synonymous with democracy (Cheeseman, Lynch & Willis, 2020; Oduro, 2021). However, reality on the ground often contradicts this, particularly in societies marked by socio-political cleavages. While it was nearly impossible to imagine democratic elections and peaceful transitions of power in Africa during the 1960s, 1970s, and 1980s, multi-party elections have become fashionable (Bleck & Van de Walle, 2018).

Despite the COVID-19 pandemic significantly impacting electoral processes worldwide, over 20 African countries are set to hold national, parliamentary, and local government elections in 2023 (Dulani et al., 2021; Haute et al., 2021; Asaju, 2023; African Arguments, 2022). This indicates that elections have become a routine feature of political life in every African country.

While elections have become frequent in Africa, they have not always produced the desired outcomes of democratic consolidation or resulted in a peaceful transfer of power, leading to the perception that elections in Africa are a curse rather than a blessing. Allegations of rigging, disputed outcomes, overturned electoral verdicts, polarizing effects, pre- and post-electoral violence and intimidation, and political chicanery all contribute to this (Daniel & Southall, 2019). As a result, questions have arisen about whether Africa has electoral democracies or liberal democracies.

Despite several studies that have made significant strides in exploring electoral processes, including disputed and undisputed outcomes, the role of the judiciary, particularly courts at the federal, provincial, or local level, in resolving electoral outcomes has received limited attention in the literature (Ronceray & Byiers, 2019; Alexander, 2020). Linked to this, there is also an emerging trend of the "judicialization" of electoral processes, which has both pre- and post-election implications (Appiah-Thompson & Jose, 2021; Appiah-Thompson, Jose & Moore, 2022; Kwarteng, 2014; Kanyinga & Odote, 2019; Cheeseman et al., 2019).

The edited volume seeks to foreground and offer forward-looking intellectual insights that proffer empirically diverse, theoretically deep and methodologically compelling insights into the role, meaning, substance and dynamics of the judiciary's involvement in African electoral processes. We invite contributions focusing (but not limited) to the following topics:

- The nexus between judiciary, elections, and democracy in Africa.
- The role of the judiciary in electoral processes in Africa.
- Multi-party politics, elections and the judiciary in Africa.
- Electoral conflicts and judiciary capture in Africa.
- Incumbent regime types, leadership, and election outcomes.
- The judiciary, election credibility, legitimacy and integrity.
- Media framing of the judicial processes during elections in Africa.
- Election Management Bodies and the Judiciary System.
- Judiciary and the responsibility to protect citizens' right to vote.
- Gender Equity, judiciary, and elections.
- Coalitions party politics and elections.
- The judicial and electoral violence in Africa.
- Innovative methodologies for teaching and researching "Courts and Elections".

Submission information

If you are interested in contributing to this edited volume, please send details of the following:

- The name(s) of contributing authors, email & their affiliations.
- The proposed title of the contribution.
- An abstract not exceeding 300 words to be submitted to: frangton.chiyemura@open.ac.uk and patrick.dzimiri@univen.ac.za

Prospective publisher is SAGE Publications. Further guidelines for publication will be shared with the selected contributors.

Important dates

Deadline for abstract submissions: **1 December 2023**

Acceptance of Abstracts: **10 December 2023**

Deadline for full chapter submission: **30 March 2024**

Publication of the book: (expected) **August 2024**

Opportunities to write opinion pieces/blogs on African judiciaries

AJRN has teamed up with [Democracy in Africa](http://democracyinafrica.org) to launch a new series of opinion pieces on African judiciaries and democracy. For details on how to write an article for **Democracy in Africa** go to <http://democracyinafrica.org/join-the-new-african-judiciaries-research-network-ajrn-today/>.

The AJRN has also been in touch with **The Conversation Africa** and **The Elephant** and is happy to report that:

The Conversation Africa welcomes articles on African judiciaries that are based on research. These can be republished anywhere in the world under a Creative Commons licence, giving your work a wider reach and introducing it to new audiences. You can pitch your idea for an article [here](#). You can subscribe to the Conversation Africa newsletter [here](#).

The Elephant welcomes articles of 1,500-3,500 words on African judiciaries. The Elephant is a popular online Kenyan news platform which seeks well researched, honest critiques, critical

essays and sharp-eyed perspectives on a broad range of topics addressed from a Pan African lens. For details on how to submit a pitch and write for *The Elephant* see <https://www.theelephant.info/write-for-us/>.

Profile of the month



Peter VonDoepp is Professor and Chairperson in the Department of Political Science at the University of Vermont. He also served as the Chairperson of the African Politics Conference Group. His research has examined judicial development, state-media relations, and democratic backsliding and has been supported by the National Science Foundation, Pew Charitable Trusts, Fulbright-Hays program, and Norwegian Research Council. In the field of judicial politics, he has published a wide range of scholarship. This includes his 2009 book, *Judicial Politics in New Democracies: Cases from Southern Africa* (Lynne Rienner), articles in *Comparative Politics* and *Comparative Political Studies*, and a chapter in *Institutions and Democracy in Africa: How the Rules of the Game Shape Political Development* (Nic Cheeseman, Ed.). His current work examines the lessons that the African experience offers for countries (like his own) facing democratic backsliding. Selected publications:

"Elite Rhetoric, Media Professionalism and Popular Support for Media Freedoms in Sub-Saharan Africa." *Commonwealth and Comparative Politics* (Forthcoming 2023). (Co-authored with Daniel Young of Miami University).

"Polarization, Media Professionalism, and Support for Press Freedoms in Sub-Saharan Africa: A Report on Early Results." *Political Studies Review* (2023). (Co-authored with Daniel Young, Miami University).

"Resisting Democratic Backsliding: Malawi's Experience in Comparative Perspective." *African Studies Review*. 63 #4 (2020): 858-882

Routledge Handbook of Democratization in Africa, edited by Gabrielle Lynch and Peter VonDoepp (London: Routledge, 2019).

"The Judiciary: Courts, Judges and the Rule of Law." In Nic Cheeseman, ed., *Institutions and Democracy in Africa: How the Rules of the Game Shape Political Development* (New York, NY: Cambridge University Press, 2018): 304-26.

"The Promise, Challenge, and Foundations of Media Collective Action: Illustrations from Sub-Saharan Africa." *International Journal of Press/Politics* 22 #4 (2017): 510-526.

"Holding the State at Bay: Understanding Media Freedoms in Africa." *Democratization* 23 #7 (2016): 1101-1121. (Co-authored with Daniel Young, Georgia State University).

"The Rule of Law and the Courts." In Nic Cheeseman, David Anderson, and Andrea Scheibler, eds., *Routledge Handbook of African Politics* (New York, NY: Routledge, 2013): 37-48.

"Assaults on the Fourth Estate: Explaining Media Harassment in Africa." *Journal of Politics* 75 #1 (2013): 36-51. (Co-authored with Daniel Young, Georgia State University).

"Legal Complexes and the Fight for Political Liberalism in New African Democracies: Comparative Insights from Malawi, Zambia and Namibia" In Terence Halliday, Malcolm Feeley, and Lucien Karpik, eds., *Fates of Political Liberalism in the British Post-Colony: The Politics of the Legal Complex* (New York, NY: Cambridge University Press, 2012): 455-490.

"Reworking Strategic Models of Executive-Judicial Relations: Insights from New African Democracies." *Comparative Politics* 43 #2 (2011): 147-165. (Co-authored with Rachel Ellett, Beloit College).

Judicial Politics in New Democracies: Cases from Southern Africa. (Lynne Rienner Publishers, September 2009).

"Context-Sensitive Inquiry in Comparative Judicial Research: Lessons from the Namibian Judiciary." *Comparative Political Studies* 41 #11 (November 2008): 1515-1540.

"Politics and Judicial Assertiveness in Emerging Democracies: High Court Behavior in Malawi and Zambia." *Political Research Quarterly* 59 #3 (2006): 389-399.

"Party Cohesion and Fractionalization in New African Democracies: Lessons from Struggles over Third Term Amendments." *Studies in Comparative International Development* 40 #3 (2005): 65-87.

"The Problem of Judicial Control in Africa's Neopatrimonial Democracies: Malawi and Zambia." *Political Science Quarterly* 120 #2 (Summer 2005): 275-301.

The Fate of Africa's Democratic Experiments: Elites and Institutions, edited by Leonardo Villalon and Peter VonDoepp (Indiana University Press, 2005).

AJRN webpage

The AJRN now has a webpage (<https://warwick.ac.uk/fac/soc/pais/research/ajrn>) where we will be uploading the newsletters as well as information on events, opinion pieces and members. **If you want to be included in the list of network members on the website and future newsletters, then please send a photograph and a bio in the standard format (see below)** with details of positions and institutional/organisational affiliation, up to 5 keywords on relevant research interests, and contact email/Twitter handle to g.lynch@warwick.ac.uk. E.g.

Prof. Gabrielle Lynch, Professor of Comparative Politics, University of Warwick, UK; judicial behaviour, election petitions, Kenya, Uganda, Zambia; g.lynch@warwick.ac.uk; @GabrielleLynch6.

If you have already sent a bio for the newsletter, then please do send a photo for inclusion on the webpage.

Network members

NB: If you want to be included in the list of network members in future newsletters and the website, please send a photo and bio in the standard format (see below) with details

of positions and institutional/organisational affiliation, up to 5 keywords on relevant research interests, and contact email/Twitter handle to g.lynch@warwick.ac.uk.

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