

African Judiciaries Research Network (AJRN) newsletter, no. 10, May 2024

If anyone has any **information that they would like included in the next newsletter** (to be circulated the week of 3 June 2024) 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.

AJRN Membership update

AJRN now has 118 members around the world!

African Studies Association of UK (ASAUK) Conference AJRN stream

AJRN is excited to have a stream on African Judiciaries at the ASAUK Conference in Oxford, 29-31 August 2024 with the following panels. The timings of panels are yet to be confirmed, but it would be great if AJRN members who are going to be at ASAUK could come and support their colleagues. There will also be AJRN drinks on the evening of 29 August so please put that in your diary!

Panel 1: The judicialization of mega-politics

Of legal diplomacy, megapolitics and getting SADC'ed: Towards understanding judicial empowerment in Africa's sub-regional courts, Diana Kisakye

The Janus Face of Accountability: How Judicialisation Threatens South Africa's Constitutional Promise, Sfiso Benard Nxumalo DPhil

Judicial Interventionism: Analysing the Role of Courts in Electoral Justice in Malawi, Dorothy DeGabriele

Panel 2: Judging elections

Judicial Peacemakers: The Role of Courts in Preventing Onsets of Electoral Violence, Thalia Gerzso

The Higher the Appellate Court, the Lower the Public Support? Legitimacy and Judicial Design in African Presidential Election Petitions, David Tinashe Hofisi

Assessing the Strategic Motivations of Sub-National Post-Election Petitions in Africa, Nicholas Kerr and Richard Kweitsu

Panel 3: Oppositional judges

'Constitutions without Constitutionalism' and judges' safeguarding of rule of law in Africa, Martha Gayoye

Dissenting judges in Southern Africa's transforming judicial cultures, Peter Brett

Between Conflict and Collaboration in Colonial Africa: Interrogating British Legal Regime and Native Court Influence in Kabba Division, Northern Nigeria, Olasunkanmi Victor Asaju

Panel 4: Judges promoting rights

Courts and socio-economic rights in Kenya: The case of the right to health, Eunice Sahle

Reimagining judgments: an African feminist perspective, Mariam Kamunyu

Swimming Pools, Segregation, and Supreme Courts: Legal Challenges to Segregation in Southern Rhodesia, 1950-1965, Trishula Patel

Panel 5: Judges and public narratives

The Kenyan Courts and Political Narratives, Mikhail Nyamweya

‘All Eyes on the Judiciary’: Social Media Images, Evidence and Public Perceptions of the 2023 Nigerian Presidential Election Tribunal, George Emeka Agbo

Judges on X: The case of Kenya’s Chief Justices, Gabrielle Lynch

Panel 6: Justice professionals

When judges make policy: Exceptional criminal courts and the judicialization of politics in Benin, Sophie Andreetta

Fighting terrorism in African courts. Findings from the work of Benin's prosecutors, Pauline Jarroux

Middlemen as Interagency in between Vulnerable Women and the Formal Justice System: Experiences from Addis Ababa City Administration, Ethiopia, Yihunbelay Teshome Sime

SAIPAR Case Review

SAIPAR Case Review provides commentaries on select judgments of the superior courts in Zambia and the wider region. The purpose of the review is to raise the discourse around the jurisprudence of these important courts and in so doing, stimulate debate on topics of legal significance and hopefully, make a significant contribution to the legal press in the region. If you’re not already aware of this excellent resource do take a look:

<https://scholarship.law.cornell.edu/scr/>.

The International Commission of Jurists (ICJ) and Legal Principles

ICJ has launched a short documentary film “Beyond Siracusa: Human Rights in Times of Public Health Emergencies”, which looks at the [2023 Principles and Guidelines on Human Rights Public Health](#) (PHE Principles), developed by experts through a process led by the ICJ and the Global Health Consortium (GHLC). The film looks at the underlying motivation for the PHE Principles, including the imperatives for action compelled by the onslaught of the COVID 19 Pandemic, as well as the drafting process itself. See <https://www.icj.org/principles-and-guidelines-on-human-rights-and-public-health-emergencies-featured-in-new-documentary-film-and-blog-symposium/>.

On International Women’s Day 2024, ICJ launched a new set of legal principles elaborated by jurists for a human rights-based approach to criminal laws proscribing conduct associated with sex, reproduction, drug use, HIV, homelessness and poverty. See <https://www.icj.org/icj-publishes-a-new-set-of-legal-principles-to-address-the-harmful-human-rights-impact-of-unjustified-criminalization-of-individuals-and-entire-communities/>

Monitoring of Nigeria’s Election Petition Tribunals

Kimpart Development Initiative (KDI) is a non-profit organization dedicated to inspiring citizen-led democratic development. Since 2019, KDI has partnered with the International Foundation for Electoral Systems (IFES) to monitor Election Petition Tribunals and appellate

courts across Nigeria. You can explore KDI's EPT Citizen Dashboard [here](#) and monitoring reports include:

[Elections Judicial Review: An observatory report of the 2023 general election resolution processes in Nigeria](#)

[Gauging Public Perception and Citizen's Confidence Level in the Election Petition Tribunals in Nigeria](#)

[Administration of Electoral Justice in Nigeria: Analysis of Election Petition Tribunal for the 2019 general elections](#)

KDI plans to expand their work to Ghana to further support democratic processes in the region.

Recent publications by network members

Chua, Lynette J. and Mark Fathi Massoud (2024) (eds) *Out of Place: Fieldwork and Positionality in Law and Society*. Cambridge University Press, 2024. Full book PDF available open access at cambridge.org/outofplace

Out of Place tells a new history of the field of law and society through the experiences and fieldwork of successful writers from populations that academia has historically marginalized. Encouraging collective and transparent self-reflection on positionality, the volume features scholars from around the world who share how their out-of-place positionalities influenced their research and writing in law and society. From China to Colombia, India to Indonesia, Singapore to Sudan and South Africa, and the United Kingdom to the United States, these experts record how they conducted their fieldwork, how their privileges and disadvantages impacted their training and research, and what they learned about the law in the process. As the global field of law and society becomes more diverse and an interest in identity grows, *Out of Place* is a call to embrace the power of positionality. This title appears in the Cambridge Studies in Law and Society book series.

Kisakye, Diana. 27 March 2024. On "hanging out" with judges: Reflections on researching "up". *Frontiers of Socio-Legal Studies*. <https://frontiers.csls.ox.ac.uk/hanging-out-while-studying-up/>

Opportunities to write opinion pieces/blogs on African judiciaries

AJRN has teamed up with [Democracy in Africa](#) to launch a 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/>.

AJRN member profile of the month



Since 2015 I have taught African politics, international law and international relations at Queen Mary – University London, where I am a Senior Lecturer. Before that I taught at SOAS (where I did my PhD) and at the University of Paris (where we used to live). My first training was in history, but now I mostly shuttle randomly between political science, international relations and legal sociology. This has left me with different groups of academic friends and colleagues, mostly unknown to each other. Although I don't think it is possible to write about law without taking it seriously, or finding out what it says, I have no legal background. This is a source of constant mild anxiety. Since 2020 I have co-convoked the Africa and International Studies working group of the British International Studies Association alongside 'Dele Kogbe.

Most of work has studied the African causes and consequences of the spread of human rights and rule and law ideas since the end of the Cold War. [My first book](#) approached this through the lens of three particularly intractable and long-running internationalised lawsuits from Southern Africa (involving expropriated white farmers in Zimbabwe, Herero and Nama reparations in Namibia, and indigenous rights in the Central Kalahari Game Reserve).

That project alerted me to the sub-regional importance of dynamics internal to South Africa. I have written on the origins of these wider disputes in [South Africa's transforming legal profession](#), on the [political origins of the Bill of Rights](#) in the post-apartheid constitution, and the uses of that constitution for [opposing 'state capture'](#) under former President Jacob Zuma.

In international relations, working with Line Engbo Gissel (Roskilde), I have studied the causes and consequences of Africa's many international courts. [Our article](#) explained their creation in the 1990s using Bayart's notion of 'extraversion', whilst [our book](#) explained subsequent backlash against them (including at the ICC).

My chapter for this book on the ECOWAS Community Court in Abuja also drew on research I had conducted in Burkina Faso, analysing the role of lawyers before, during and after [the 'insurrection' of 2014](#). This background, I think, helps us understand the recent coups of 2022 and 2023.

In political science I have written on the influence of [judicial networks on decision-making](#) in high-profile human rights cases, and in protecting fragile judicial independence in South Africa and Namibia (in a volume forthcoming with Edinburgh University Press).

In legal sociology, finally- using Leverhulme funding obtained with Sara Dezalay (ESPOL, Lille)- I have written on [changing norms governing senior judicial appointments](#) Namibian, Botswana, Lesotho and Eswatini. I hope to present another article derived from this research, on dissenting judgments, to the African judiciaries stream, at this year's ASAUK.

In recent years the arrival of our children has made research in Africa harder. So now I'm also trying new things. I sometimes fancy myself as an amateur political theorist (I have just finished a piece called 'Do We Really Need Rights', engaging with the 'realism' of Raymond Geuss and Bernard Williams) and have still not given up on being a historian. My major project at the moment is a biography of Irish statesman and international lawyer Seán MacBride, who was (amongst many other things) UN Commissioner for Namibia 1973-6. I am currently using MacBride as a case study for my contribution to a co-authored project (with Yuna Han [Oxford], Nicole de Silva [Concordia] and Nora Stappert [Copenhagen]) that analyses international lawyers as international relations actors.

AJRN webpage

The AJRN 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.

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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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