

African Judiciaries Research Network (AJRN) newsletter, no. 7, February 2024

If anyone has any **information that they would like included in the next newsletter** (to be circulated the week of 4 March 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 Judicial Reform in Africa Workshop, Lusaka and online, 15 February 2024

The AJRN and Southern African Institute for Policy and Research (SAIPAR) with funding from the British Institute in Eastern Africa (BIEA) are organising a hybrid workshop in Lusaka, Zambia, on 15 February 2024. All times are in CAT.

To register to attend the event in person or online please email g.lynch@warwick.ac.uk.

9.00: Introductions

9.30-11.00: The opportunities for judicial reform:

Chanda Chungu and O'Brien Kaaba (University of Zambia/SAIPAR), Options for Judicial Reform in Zambia

Deckstar Adaki (Kenya School of Law), Striving for Justice: Embrace the Challenge, Go Hard or Go Home

Dorothy DeGabriele (University of Warwick), The Role of Amicus Curiae in Adjudicating Electoral Disputes: Implications for Judicial Reform in Kenya, Malawi, and Uganda

11.00-11.30: Break

11.30-13.00: Judicial reform and key institutions

Duncan Okello (Kenya Law Reform Commission), Closing the Expectations-Capability Gap: An Examination of Administrative Reforms in Kenya's Judiciary Since 2010

Martha Gayoye (Keele University), The limits of judicial reforms in African post-transition democracies

Tinenenji Banda (SAIPAR), Beyond the Formal Court System: Diffusing Dispute Resolution to meet Justice Demands

13.00-14.00: Lunch

14.00-16.00: The challenges to judicial reform:

Tiwonge Simkonda (University of Lincoln), Bolstering access to justice and rule of law: Maximising current wave of judicial reforms in Malawi

Collins Odote (University of Nairobi), Reforming Judiciaries to Enhance the Rule of Law: Progress and Challenges in Kenya

Otieno Harrison Okoth (University of Nairobi), Judicial reforms in the crucible: understanding the inherent challenges in Kenya

Conrad Bosire (Strathmore Law School & Office of the Former Kenyan Chief Justice, David Maraga), Judicial financial independence in Africa: a review of select country experiences

16.00-16.30: Break

16.30-18.00: Judicial reform, constitutionalism, and publics.

David Tinashe Hofisi (University of Wisconsin): The Chief Executive and the Chief Justice: Popular power and judicial supremacy in post-independence Africa states. The case of Ghana, Malawi, Zambia and Zimbabwe

Muna Ndulo (Cornell University), The Judiciary, Constitutionalism and Human Rights.

Gabrielle Lynch (University of Warwick), The Kenyan judiciary and the court of public opinion

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 can submit abstracts to the stream via the ASAUK website <https://asauk.net/>. Just select "submit your abstract" and then - once you've set up an account and added your paper title etc. – select "African judiciaries" as the stream that you're submitting the abstract to. The deadline for submissions is **20 April 2024**. Please note that if you are applying for a visa, it will be important to submit earlier.

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.

Recent publications by network members

Sekalala, S. & D. Uberoi (2023) Regime Shifting by Multinational Corporations within Constitutional Courts in Developing Countries: Analysing Tobacco Litigation. *African Journal of Legal Studies*, 15(4): 456-485.

Sfiso Benard Nxumalo. S. B. (2023) The Analytical Reasoning Defects in Thubakgale. 1 *Constitutional Court Review* 13 <https://journals.co.za/doi/full/10.2989/CCR.2023.0011>

Opportunities to write opinion pieces/blogs on African judiciaries

AJRN has teamed up with [Democracy in Africa](http://democracyinafrica.org/join-the-new-african-judiciaries-research-network-ajrn-today/) 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/>.

Profile of the month



Charles Manga Fombad is Professor of Comparative Constitutional Law and Director of the Institute for International and Comparative Law in Africa (ICLA), Faculty of Law, University of Pretoria. Prof. Fombad is member of the Academy of Science of South Africa, a fellow of the Stellenbosch Institute for Advanced Study (STIAS), and Vice President of the International Association of Constitutional Law. His research interests are in comparative African constitutional and legal history, especially issues of legal harmonisation in Africa.

Recent publications include:

(With Lukman A. Abdulrauf) "Comparative overview of the constitutional framework for controlling the exercise of emergency powers in Africa", 20 African Human Rights Law Journal (2020), pp. 376-411 <http://dx.doi.org/10.17159/1996-2096/2020/v20n2a2>

"Editorial introduction to special focus: Assessing the implications of COVID-19 pandemic regulations for human rights and the rule of law in Eastern and Southern Africa," 20 African Human Rights Law Journal (2020), pp. 368-375. <http://dx.doi.org/10.17159/1996-2096/2020/v20n2a1>

"A comparative overview of recent trends in judicial appointments: selected cases from Africa," Canadian Journal of African Studies (2020) 10.1080/00083968.2020.1802314

“Taming executive authoritarianism in Africa; Some reflections on current trends in horizontal and vertical accountability,” 12(1) Hague Journal of the Rule of Law (2020), pp.61-91.

(with Baboki Jonathan Dambe) The stock theft act and customary courts in Botswana: justice sacrificed on the altar of expediency? 52(1) The Journal of Legal Pluralism and Unofficial Law, (2020), pp.65-81.

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.

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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Prof. Stephen Brown, Professor of Political Science, University of Ottawa, Canada; LGBTQI+ rights, decriminalization of homosexuality, strategic litigation, Botswana, Kenya; brown@uottawa.ca; @StephenBrown3.

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Justice Dorothy A. DeGabriele, Judge of the High Court, Malawi, Current PhD Scholar, University of Warwick, UK; Law and Development, Governance and Electoral Justice, Courts and Politics within SADC, Dorothy.Degabriele@warwick.ac.uk; @a_degabriele.

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Tim Fish Hodgson, International Commission of Jurists' global lead on Economic, Social and Cultural Rights and Disability and Access to Justice. Former clerk to Justice Zakaria Yacoob at the Constitutional Court of South Africa and previously worked for the Socio-Economic Rights Institute of South Africa and SECTION27; @TimFish42.

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