

SUPREME COURTS IN AFRICA

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(Original text in French)

I would like to begin by thanking the organizers of this important Conference, particularly the directors of the Center for Democracy, who invited the delegation of the Supreme Court of Benin to attend this highly important meeting.

Thank you too for giving me the floor to make a brief statement on Supreme Courts in Africa.

In reality, my presentation, while designed to stimulate discussion of the experience of African courts, will actually be based on the French-speaking High Courts of Africa, including that in my own country, Benin, which I know the best.

More authoritative voices than mine will acquaint this distinguished gathering with the details of African High Courts in the so-called “common law” countries, and those that have combined legal systems inherited from the West with Islamic law, Africa – as everyone knows – being blessed with great diversity.

Depending on the angle from which one approaches Supreme Courts, it is possible to place more emphasis on one or other of their origins, characters, functions and roles.

My presentation will be confined, given the time constraints judiciously set by the organizers, to highlighting some of the above-mentioned aspects.

I. THE ORIGIN AND CHARACTER OF SUPREME COURTS IN FRENCH-SPEAKING WEST AFRICA

French-speaking West Africa has not escaped the institutional changes which have marked the years of independence, and the creation of Supreme Courts in this region of Africa dates from the 1960s.

They were the first judicial mechanisms set up in the young States acceding to national sovereignty.

They have more or less successfully withstood the political turbulence which periodically erupted in the life of these States.

The history of these Supreme Courts reveals an intellectual approach combining a number of different legal trends.

