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"Diagnostic study of the functioning of the courts of the Conciliation in conflict management in Benin: Cases of the ATLANTIC-LITTORAL COURTS"

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Summary

As the Court has proceeded with its activities, its potential has increased. The creation
The Court's intervention through the Rome Statute of 1998 was made possible thanks to the cooperation of a
This article examines an exceptionally broad coalition of NGOs with like-minded states.
the historical background of the establishment of the Court, exploring why the conditions
seemingly favorable conditions after the World Wars did not result in a
permanent judicial institution

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These events led to international developments. Unexpected events, including the end of the war, included the end of the war.
Fría and the special tribunals for the former Yugoslavia and Rwanda reopened the possibility of
act.

Despite opposition from the majority of the permanent members of the Security Council, the
The Coalition for the International Criminal Court, the main focus of this study, coordinated a network of
groups of citizens to successfully exert pressure.

Keywords: Coalition tribunals, trials, Benin trials, International Criminal Court

Abstract

As the Court has proceeded with its activities, its potential has increased. The creation of the Court through the 1998 Rome Statute came about through the cooperation of an exceptionally broad coalition of NGOs with like-minded states. This article examines the historical background to the establishment of the Court, exploring why apparently favorable conditions after the World Wars did not result in a permanent judicial institution

Even the post-1948 genocides in Southeast Asia, Central Africa, and elsewhere did not result in international strides. Unexpected events, including the end of the Cold War and the special tribunals for the former Yugoslavia and Rwanda, reopened the possibility of action.

Despite opposition from the majority of the permanent members of the Security Council, the Coalition for the International Criminal Court, the main focus of this study, coordinated a network of citizen groups to lobby successfully.

Keywords: Coalition courts, trials, Benin trials, International criminal court

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1. Introduction

The issue of access to justice for all strata of society has been a concern of all political and public actors, civil society in the countries, the NGOs and partners for development from the beginning.

For Anne-Marie Santorineos, (Anne-Marie Santorineos, 2016), in Canada, it has been considered one of the main problems of the Canadian legal community during For over thirty years, it has gained an important place in legal discourse. Therefore, it has become a recurring theme within international development organizations and It has been analyzed as a representation of access to the courts.

The issue of judicial reform is increasingly becoming a priority. for donor peace interventions. Thus, the interventions of actors in the international community have been on the rise, particularly since the end of the decade 1990. On closer inspection, they are a continuation of the debates and initiatives to addressing the growing challenges of conflict prevention and conflict.

To guarantee the safety and peace of its citizens and to prevent arbitrariness in the event of In the face of conflicts, Benin, through its laws, has followed the logic of creating a judicial system. The mission is to achieve justice to guarantee social peace with much greater security. Thus, the democratic option adopted in 1990 after the "National Conference of Living Forces" allowed the adoption of a new Constitution on December 11, 1990. This The Constitution, in its Preamble, states the adherence of the Beninese people to the "principles of democracy and human rights as defined by the Charter of the United Nations of 1945 and the Universal Declaration of Human Rights of 1948, to the African Charter on Human Rights Human and Peoples' Rights, adopted in 1981 by the Organization of African Unity,

ratified by Benin on January 20, 1986, and whose provisions are an integral part of the
(...) The constitution and law of Benin have greater value than domestic law."
(Gbaguidi AN 1996).

Following this logic, courts have been created to respond to the pressing need for
increasingly growing communities.

Previously, the number of courts increased to 28 when Act 2001-37 came into effect.
August 27, 2002. Since that same law, an administration room has been created in each
court.

They are divided into two types: first-class courts located in the capitals of the
municipalities with special status, and first-class courts with jurisdictions encompassing
three municipalities (at a rate of 25 second-class courts). As for the Court of
Conciliation is established by the municipalities with special status (Cotonou, Porto-novo and
Parakou). As regards the ordinary municipalities, one is established per commune.

In accordance with the provisions of the Law, the conciliation courts appear to be the
The closest means of resolving disputes in favor of the community are considered
a practice to establish a dialogue between the conflicting parties, to facilitate the
Communication and understanding of the other person to resolve the conflict in order to reach an agreement
durable and viable.

Despite the proliferation of initiatives, questions remain about the actual functioning of
the conciliation courts, as well as the impact of this reform on the ground, in
particularly in the Atlantic and coastal departments. Nor are there shared approaches by
all actors in terms of their usefulness and implementation in the management of the
complaints within the populations.

Therefore, it is important to understand the socio-legal foundations of the courts of Reconciliation in Benin. This is what justifies the topic **"Diagnostic study of functioning of conciliation tribunals in conflict management in BENIN: CASES FROM THE ATLANTIC-LITTORAL COURTS"** because in Benin, the Atlantic-Coastal Departments [1] These are the most populated areas where the cases there are more

1Later , to understand Littoral as "Coastal" or "Coast"

2. Line of research

Effective justice for all as the basic foundation of peace and development

The economic and political system of Benin has its roots in the constitutional, legal, and judicial framework. procedural rules of the country in relation to alternative dispute resolution methods conflicts that guarantee social peace.

3. Problem statement

The organization of social life has always led men to live together, whether within the family or in another environment that leads to interpersonal relationships, which, moreover, Often they don't; they suffer all kinds of misunderstandings. In order to satisfy the satisfaction of their own interests, a certain inequality, injustice, etc., arises within the populations, it which leads to disputes and conflicts in various ways that can undermine the different rights of individuals and peoples and, furthermore, undermine social peace.

Whether they are within the individual or intervene between individuals, groups, or states, They reveal rivalries, fractures, or tensions that run through society. This seems to be a dysfunction to be regulated or as a factor of disorders, or even disruption, of order social, whose treatment, as a preventive or curative measure, has always called for constant intervention of the legislator.

In this sense, the democratic option taken by Benin in 1990 after the "Conference The "National Assembly of Living Forces" allowed the adoption of a new Constitution on November 11th December 1990. This Constitution, in its Preamble, states the adherence of the Beninese people to the "principles of democracy and human rights as defined by the Charter of the United Nations of 1945 and the Universal Declaration of Human Rights of 1948, to the African Charter of

Human and Peoples' Rights adopted in 1981 by the Organization of Unity African, ratified by Benin on January 20, 1986, and whose provisions are part integral to the (...) constitution and law of Benin and have a higher value than the right internal".

Similarly, Benin's domestic law consists of several legislative texts and regulations that cover the main aspects of human activity, such as law family law, land law, labor law, criminal law, criminal procedure and the civil, commercial, social and administrative procedure.

In general, the Constitution of Benin lists a series of principles that organize the Justice, exercised by the Supreme Court, the courts and the tribunals (Article 125 (const.). Previously, the number of courts increased to 28 when the Act came into effect 2001-37 on August 27, 2002. Since that same law, a court has been created administration in each court. They are divided into two types: first-class courts located in the capitals of the municipalities of special status, and first-class courts whose The jurisdiction covers three municipalities (at a rate of 25 second-class courts). Despite this These measures adopted by the state of Benin, the vulnerable, disadvantaged populations Due to their level of monetary poverty, they cannot refer to the judicial organization created for managing disputes. A new response to all disputes has been considered . everyday life.

Indeed, the State Judge's office is no longer used systematically, which Sometimes it was very discouraging for the person who wanted to assert their rights, for reasons financial matters and while the proceedings were underway. Now, in civil matters there are also Conciliation Tribunals to respond to international law that obliges States to resolve their differences peacefully (Charter of the United Nations, s. 2-3).

Social groups and citizens in the municipalities of Benin seem increasingly no more invited to resolve their differences, nor through appeals to state courts, but through mediation at the level of the Conciliation Courts established in the communes, numbering 77 divided into two categories, the municipalities with special status of number 3 and the ordinary communes that are numbered 74 according to Law No. 97-028 of January 15 of 1999 that organizes the territorial administration of the Republic of Benin.

There are 80 of these conciliation courts in the municipalities, and they should resonate. really in solving the justice problems that state courts have not I was able to resolve this. In accordance with Article 12 of Law 64-28 on judicial organization: "The conciliation courts are competent in all matters, except for the exceptions." provided for by law, including individual labor disputes. The attempt at conciliation It's always optional...

Furthermore, Article 20 of the law states: "The Conciliation Courts are also competent to hear and decide on any request relating to the status of People's decisions are subject to the will...".

It is increasingly evident that the Conciliation Courts do not satisfy the citizens' expectations. Its usefulness is still unknown to users of the judicial proceedings in the Atlantic Department.

According to a survey conducted during the final evaluation of the project called "For quality justice accessible to all" led by the Repsfeco-Benin consortium and the NGO Grasid as part of the justice support project, Lokossa, June 17 (ABP) - The Consulting firm Didas Tossou said Tuesday in Lokossa that 74 percent of those surveyed They gathered in the courts of first instance and the judicial police in the departments of Mono and Couffo , They are unaware of the existence and usefulness of conciliation tribunals in the municipalities.

The results of the same assessment reveal that in August 2019, more than two

A third of users said they do not use conciliation tribunals for various reasons

related to distance, economic means, or depending on whether the decisions

The measures adopted are more often driven by tax considerations than by work-life balance. This then raises the question:

The question: when a conflict arises between one person and another, when two people have a

Given the real difficulty, can the conciliation courts provide a solution to the demands of the

increasingly strong litigants in terms of diligence, competence, professionalism, but

also a power that the conciliator does not have to date?

Based on this questioning, the resolution of disputes by the

Conciliation tribunals in Benin seem obvious, and should be viewed in the future as a

preferred means of resolving disputes.

Therefore, the aim will be to analyze the current functioning of the courts of

conciliation in Benin, taking those that exist in southern Benin to show how

These courts can become a privileged instrument for resolving

controversies at the grassroots level.

4. Glossary of unknown words

The clarification of concepts presents the meaning of the different topics and Expressions used in the document for comprehension. In the case of our study, Concepts such as court, mediation, conflict, functioning, justice, and conciliation deserve to be defined to facilitate understanding.

Court: This is a place where justice is done. It is also where people in Those involved in conflict come seeking justice, and those who have not complied with the law are judged. Specifically, a court is not necessarily a public service of the State. This is particularly the case with an arbitration tribunal.

This is a generic term used to refer to any legal formation. with the function of resolving a dispute between private parties (individuals, associations, unions, companies, groups with legal capacity, etc.).

In this document, the court is the place where people (natural or legal persons) Opposing parties in a dispute come seeking mediation and conciliation between the members of that institution through an amicable resolution or criminal procedure.

Mediation: It is an intermediary designed to reach an agreement, reconcile, or settle. individuals, parties, states.

It is also a practice or discipline that aims to define the intervention of A third party to facilitate the flow of information, clarify, or re-establish relationships. This third party A neutral, independent, and impartial person is called a mediator. The definition of this role varies. depending on the application context.

Here it refers to the structured process, whatever its name, by which two or more parties attempt to reach an agreement for the amicable resolution of their differences, with the help from the members of the court: the mediator.

Conciliation: refers to a friendly practice of assisted dispute resolution by a third party, before any legal proceedings. Conciliation may be arranged by a company agreement or a collective agreement; otherwise, it is of a legislative nature or regulatory.

In this case, it refers to an amicable settlement of disputes in an anticipated litigation in Law No. 2001-37, of August 27, 2002, by which the organization was brought judicial to the Republic of Benin in article 21.

According to V. also, G. CORNU, in the "Preliminary Legal Vocabulary", the Conciliation is an "Agreement by which two people in dispute end it (either by transaction, or by unilateral or reciprocal abandonment of any claim), the resolution of the controversy resulting not from a judicial decision (or even that of an arbitrator) but from agreement of the parties themselves"

Justice: Appreciation, recognition, and respect for the rights and merits of each person. one.

It is a fundamental philosophical, legal, and moral principle: according to this principle, the Human actions must be evaluated or rejected based on their merit in terms of morality, law, virtue, or any other criterion of judgment.

This document refers to the response given by the President of the Court of Conciliation at the end of the hearing for the amicable resolution of a dispute.

Conflict: finding opposing elements, contrary feelings.

Conflicts or contradictory feelings are a state of opposition between individuals or entities. The conflict is fraught with emotions such as anger, frustration, fear, Sadness, resentment, disgust. Sometimes it can be done with aggression and violence. In this document, a state of opposition of a person or entity that brings before the local conciliation court.

Functioning: a dynamic system (particularly in the economic sphere, mechanical, organic, political, psychological and social) is composed of supportive elements, fulfills its function.

In this work, it is referred to as the mechanism or process put in place for the Dispute resolution in the municipalities of the Atlantic and the Coast

5. Research Objectives

5.1. General objectives

The main objective of this study is to diagnose the problems related to the Functioning of conciliation courts in dispute resolution in Benin.

5.2. Specific objectives

Specifically, these include:

- Identify controversies, disputes, complaints, or claims observed with frequency in the research area and its management mechanism;
- To assess the situation regarding awareness of the existence of courts of conciliation;
- Determine how conciliation tribunals operate in the area of investigation;
- To determine the opinion, quality, and satisfaction of court users reconciliation in the survey area.

However, in a study that aims to define the best in a participatory manner Ways to improve the service, it was crucial that it also address the perception of the service by part of the users, but also by other stakeholders, namely politicians and the elected local representatives of each municipality.

6. Theoretical framework

There is a great deal of work dedicated to the world of the courts. This work has focused the interest general of the scientific community in all aspects related to the functioning of the courts in preserving social peace and also in the ever-increasing challenges majors in conflict prevention and violent conflict.

Interested in the amicable resolution of disputes within companies, Honoré de Balzac says that "A bad settlement is better than a good judgment." The latter presents the philosophy of alternative methods of conflict resolution. These generally refer to all the processes that lead to an amicable resolution of conflicts. For him, these methods Alternative dispute resolution methods represent what some authors equate with the Therapeutic justice or gentle justice, as opposed to state justice, which in the Popular consciousness refers to the notion of restriction.

For his part, DIENG (A.), alternative modes of conflict resolution such as Conciliation and mediation are, in principle, conflict management mechanisms that They deserve to be promoted and given priority, if necessary, against civil lawsuits. He explains that These alternative modes of conflict resolution, from a cultural perspective, originate religious and historical. The author gives the example of the Muslim religion, which encourages its use. including mediation (Wassatah), conciliation (Sulh), and arbitration (Tahkim) for the peaceful resolution of conflicts within the Muslim community. His idea is supported by... author GREGOIRE Ahmed Eric, who, according to him, in the Christian religion, many references are They refer to alternative methods of conflict resolution, citing the case of Saint Paul in the Holy Scriptures that propose the selection of a wise man who will help them resolve their dispute peacefully (1Co6, 1-5).

Ahmed G. (2015) explains the foundational reasons for alternative modes of conflict resolution, stating that "the shortcomings in judicial procedures, such as the time period before the final judgment, the high cost of the procedure, the lack of specialization of judges who cannot control the controversy before them, the impartiality of the judges and the publicity of the trial, which can be detrimental or deteriorate the Relations with the adversary are problems that have led us to consider alternatives. amicable dispute resolution."

In the Universal Declaration of Human Rights (Universal Declaration of Human Rights, 1997), the issue was addressed, showing the importance of protection human rights through access to justice via competent courts.
In accordance with this international standard, everyone has the right to an effective remedy before the competent national courts against acts that violate fundamental rights recognized by the Constitution or by law. Furthermore, it emphasizes that everyone has the right, in full equality, to have their case heard fairly and publicly by a court independent and impartial, which will decide, by its own right, the merits of any accusation criminal charges against him.

Addressing the legal system of Benin (Gbaguidi AN, 1997) shows that the option democratic Benin in 1990 following the "National Conference of Living Forces" allowed the adoption of a new Constitution on December 11, 1990. This The Constitution, in its Preamble, states the adherence of the Beninese people to the "principles of democracy and human rights as defined by the Charter of the United Nations of 1945 and the Universal Declaration of Human Rights of 1948, to the African Charter on Human Rights Human and Peoples' Rights, adopted in 1981 by the Organization of African Unity,

ratified by Benin on January 20, 1986, and whose provisions are an integral part of the

(...) the constitution and law of Benin and have a higher value than domestic law."

Similarly, the fundamental principles of judicial organization in the

The Republic of Benin was defined in the Constitution of December 11, 1990, which includes:

- Law No. 2001-37, of August 27, 2002, concerning the judicial organization of Benin];
- Law No. 2004-07, of October 23, 2007, which covers the composition, organization, operation and jurisdiction of the Supreme Court;
- Law No. 2004-20, of August 17, 2007, which establishes rules of applicable procedures before the judicial formations of the Supreme Court.

The "laws" for the conduct of war began to emerge in the 19th century in

Western Europe. The concept of crimes that extend beyond borders

national issues, although not entirely unrelated, have rarely been the subject of debate by

political leaders or jurists. The experience of two bloody battles was necessary in the

France's borders to open the door to international humanitarian law, a source of

law for the International Criminal Court (Kakai, 2012).

Since there was no record of a roll call, the identities of the seven remain unknown.

speculative. However, the United States was probably among them.

Algeria, China, Iraq, Israel, Libya, and Qatar. 2011 Expansion of the application of Law 931

Faced with the carnage of an 1859 battlefield, Swiss citizen Henri Dunant gave

modest steps that turned out to be an era. He wrote Memoirs of Solferino, an analysis of

the carnage of the battle and the lack of treatment of the wounded French and Austrians or the lack of respect for

The dead. A little over a decade later, the Franco-Prussian War broke out again

convened a conference in Brussels, which produced an "International Declaration on the laws and customs of war" (Lewis, 2013).

This valiant attempt was never adopted by the countries involved. However, the NGOs intervened to bridge the gap. Gustav Moynier (like Dunant, a resident of Geneva) He co-founded what became the International Committee of the Red Cross (ICRC) in 1876, and He urged the creation of an international criminal court that same year (Lewis, 2013). National sovereignty, the cornerstone of the Westphalian Compromise, remained the key piece central to national policy; however, human rights belonged to the sphere exclusive to the states, which exercised full powers within their borders.

There were no global restrictions on waging war, with the exception of the agreements of 1899 and 1907 intended to limit armament, and despite the mandates widespread morals in numerous religious traditions regarding the tension between ethics and War. The First World War shattered the complacency of the Concert of Europe. a century in duration. Although some conflicts had broken out on the continent in the In the decades following Waterloo, most had been limited in time, space, and objectives. “The situation changed completely between 1914 and 1918.

Millions of casualties, both civilian and military, resulted from unparalleled levels of mechanized warfare. The "war to end all wars" gave rise to renewed efforts in conflict prevention, including the possible prosecution of its instigators. When World War I ended on November 11, 1918, several leaders (over (all Woodrow Wilson) expressed their desire to build a new global base for the interstate relations (Feuille, 2011).

The resulting League of Nations and its auxiliary institutions aimed to promote peace through negotiation. Optimists believed that a a new world order, based on widely accepted principles for peaceful resolution of disputes.

The legal treatment of the perpetrators of the First World War is worrying profoundly affected both the winners and the losers. The winners finished the arrangements for the tests at the Versailles conference.

The end of World War II marked a turning point in history of international organizations.

The magnitude of the carnage (perhaps 70 million dead, most of them The civil war) deeply shocked the world. Many leaders were determined to establish a new (or at least substantially revised) basis for interstate relations, challenging the fundamental principles of the traditional Westphalian principle of jurisdiction domestic without restrictions (Bockelie, 2013).

The brief history of the League of Nations and its ignominious demise offered Lessons for the future. Progress would be needed in many areas: international justice, Global organization and perspectives on world politics. One of the first The demonstrations took place with the San Francisco conference, which approved the Charter of the United Nations in June 1945. It was followed a few months later by the opening of Trials in Nuremberg and Tokyo, designed to expose evidence of a major impact without precedents. war crimes.

Haunted by memories of previous failed efforts: the ill-fated League of the Nations, the failed trials of Leipzig and Constantinople, and the fruitless debates on

The repression of terrorism and the creation of an international criminal court, the planners
The Allies began thinking about a new order in the middle of World War II.
A different post-war period. A delicate balance had to be struck.

On the one hand, the vengeful justice of the 11 victors "could reawaken the
hypernationalism and the feeling of indignation that Hitler had exploited in a
effective. On the other hand, it could prove to be a lenient process in the hands of the countries
defeated (such as the period after World War I). proven trials) with
negligible results, if any. It would be better to start over, informed by the
past, but reconceptualizing what global justice means in the midst of chaos
catastrophic (Banégas, 2014; Bräutigam, Rakner, & Taylor, 2002).

In the mid-1990s, two pro-Court groups emerged,
Each with a very different composition and power in international relations. One
One was composed of governments, the other of NGOs. Both were fundamental to the
final adoption of the Rome Statute.

They cooperated informally; the NGOs wanted greater powers for the Court.
International Criminal Law proposal of which many, and perhaps most, states were
willing to grant. But without access to the "inner workings" provided through
Without cooperation with governments, civil society groups would not have achieved success
that they intended.

What individuals proposed, states implemented. This section examines the
A group of like-minded individuals, juxtaposing their training, development, and contributions with those of the
CCPI. In terms of preparation and presence at the Rome Conference, a new
coalition that crossed almost all of these lines.

The LMG began to emerge within the Sixth Committee of the General Assembly, which He handles legal matters, in the fall of 1995. LMG members supported many of the objectives pursued by the CCPI and the International Law Commission (Arriola, 2009).

Although some of the 11 relative powers "counted among their members, the Members with veto power on the Security Council did not join the LMG before Rome, with the exception of the United Kingdom. With a few exciters, most of the Los Populated countries remained outside the Ike-Mincled Group. The member states of the The Organization of the Islamic Federation generally opposed the idea of the Court. Finally, Asian states seemed remarkably indifferent to the concept. (More details) appear shortly). Like-minded group. None of the "traditional" divisions (this-West; North-South; Less Developed Rich) appeared among the LMG members. Without However, there were both substantive and regional sub-nuclei within LMG (Baldwin, 2014).

According to Glasius, the most active states within it included Argentina, Canada, the The Netherlands and Norway. Another group came from the European Union, thirteen of whose members were They united for common goals. In fact, Germany held the presidency. LMG. 116 His extensive experience with prior economic and political ties facilitated the cooperation, although Britain under Prime Minister Tony Blair remained visibly skeptical, even while supporting the creation of the Court (Atkinson, 2011).

The third center came from two less developed parts of the world, the Caribbean and Southern Africa. Both regions had established intergovernmental entities, the The Caribbean Community (CARICOM), which began to exist in 1974, and the Council of Southern African Development (SADC) in 1980 (Atkinson, 2011).

Several other African and Latin American countries also joined the LMG. Similar viewpoints among the Member States and their willingness to cooperate emerged during the debates of the Sixth Committee.

Each one supported

1) establish a firm date for a final conference to negotiate the ICC treaty,

2) a court with the broadest possible definition of crimes, and

3) an independent prosecutor.

The LMG was not without its "enemies." Perhaps the most organized of them were the Arab states. They opposed the inclusion of internal armed conflict within the jurisdiction The Court wanted to eliminate gender from the Rome Statute and reformulate the clauses. relating to soldiers, and include the death penalty. Furthermore, they found that Article 27, "which eliminates the immunity of the head of state, is incompatible with their own constitutions, basic laws or concepts of government" (Fomunyoh, 2001).

Interestingly, "many senior government officials in the region" also saw the abstaining from joining the ICC as a sign of support for the United States. This was from of particular interest to Arab nations, since in the late 1990s and early 1990s In 2000, the United States began to conduct very energetic campaigns in these countries. to sign 'Bilateral Immunity Agreements'.

Additional opposition came from the permanent members of the Council of Security, who wanted the Court to remain subject to the control of the Council of Security for obvious reasons. However, the five permanent members of the Council of

Security (P-5) did not coordinate policy and each country pursued its own objectives main ones.

Beyond this, there was a limited, concentrated opposition. In fact, there seemed to be More disinterest than concentrated hostility. Take, for example, the Asian states. In a speculative manner, Asian states may have been very sensitive to the protection of National sovereignty principles were not applied to African countries. A more plausible explanation It lies in the complete absence of continental organizations for Asia, which in turn It derives from the extraordinary variety within and the long history of the area (Fomunyoh, 2001; Stroh, 2017).

With nearly sixty percent of the world's population, Asia is home to many contrasting civilizations. It has also been suggested that Asian involvement has been relatively limited due to the fact that the countries of As are currently more concerned with "development rather than democratization" and do not want to subordinate the "kings" to the potential jurisdiction of the Court.

The important lesson of the situation was expressed as such by Glasius: "Although Certain states opposed each other to specific proposals within the negotiations, There was no concerted effort by a group of states to thwart the negotiations completely."

It is significant that the LMG developed a cordial working relationship with the CCPI. in order to strengthen what Richard Dicker (Human Rights Watch contact person in the Court) called "the best instincts" of the States (Fomunyoh, 2001; Gunsch, 2017; Gyimah-Boadi, 1998).

7. Description of the methodological procedure

7.1. How the research was done

Our concern through this work is to be able to identify the actual existence of the conciliation courts, the behavior of their users to understand the functioning of this legal body. The collection of data on the ground did not cover all of Benin. The vastness of the study forced us to restrict our scope of research to the Departments of the Atlantic and the Coast. The options for these two departments are not the result of a random game. These are the most populated departments of Benin, there are a diversity of cultures, conflicts of all kinds, and the way in which these are managed Conflicts differ from individual to individual, from region to region. The methodological approach The comprehensive approach proposed to carry out this work is based on a participatory approach.

7.2. Type of research

This research has a qualitative aspect. And according to Deslauriers, the research Qualitative is "research that produces and analyzes data such as written or spoken words and observable behavior of people." It is used to study behaviors, motivations, social phenomena of a group or society. It allows the combination of a close-up view with an overall perspective.

To achieve the objectives set out in this research, we analyzed the process dynamic at work, taking into account the temporal dimension, as well as key events identified by the respondents and the meaning they give them.

In our case, this method has helped to understand perceptions, interdependencies, innovations, individual and collective dynamism, as well as the management of conflicts and litigation strategies at the community level.

It should be noted that a quantitative approach is also used to complement the data qualitative data collected.

Therefore, the main techniques used are: documentary research, Field observations, interviews, focus groups, and questionnaire surveys. Observation direct access allowed for an examination of the current conditions of existing conciliation tribunals. Interviews were conducted with the following resources: local authorities, authorities from the courts of first instance, the heads of the Republican Police and some users of the conciliation courts. The administration of the questionnaire is preceded by the implementation of the sampling method.

7.3. Documentary research

Documentary research is a key tool in carrying out research projects. research. It not only serves to take a look at the literature review, but also It also allows data to be collected. In this study, he gathered all the documents from genuine interest in relation to the identified problems. It has been carried out in several specialized departments and institutes whose activities are related to the subject of This research. Documents related to the topic were consulted.

Table I shows the centers visited and the nature of the documents consulted. and the types of information collected.

Table I: Documentation structures/centers visited and types of information collected

Structures/Centers of Documentation	**The nature of the documents**	**Guys of information compiled**
Central Library of Court of First Instance Cotonou Instance	General works, works specialized, theses, theses, mission reports.	General information of a methodological, Information related with he operation of the Conciliation Courts.
Central Library of the UAC	General works, theses, dissertations	Information general and methodological.
Center of files communal	Books, articles, PDC	General information about the Conciliation Courts.
Documentation Center of the Republican Police	Books, articles, reports missions	General information about the operation of the Conciliation Courts.
Documentation Centre du MDGL	Books, articles, reports missions	General information about the operation of the Conciliation Courts.
Documentation Centre du MJLDH	Books, articles, reports missions	General information about Justice in Benin, information specific about the Courts of Conciliation.
Raids	Books, Reports, Books	Demography (RGPH 4).
FADESP	Memoirs, articles and theses	General and technical information

		to write writings.

Source: **Akpone Investigations, January 2021**

ɛr of general documents on justice in Benin have been covered.

The information gathered from the documentation was supplemented with research from around the world real. The data from the literature were also supplemented with data from fieldwork.

7.4. Field research

The field survey was conducted mainly over 12 days from the 4th to January 15, 2021. These are investigations in municipalities with conciliation courts. or municipalities designated to house conciliation tribunals in the departments of Atlantic and the Coast.

In total, the surveys were carried out in the municipalities of Toffo, Allada, Ze, Abomey-Calavi, So-Ava, Kpomass, Ouidah, Tori-Bossito in the Atlantic Department and Finally, at the Cotonú Municipality in the Coastal Department. The work took place primarily in the central districts of the aforementioned municipalities. These municipalities have have been detained because they are supposed to have a conciliation court, in turn for the users of the municipalities.

In summary, eight (8) municipalities of the Atlántico Department and thirteen (13) municipalities of the Department of the Coast, or twenty-one (21) municipalities, were investigated as part of This research.

7.5. Population and sample

7.5.1. Target group surveyed

The actors are chosen based on their level of involvement in the explanation of the phenomenon and its ability to shed significant light on the problems involved.

Thus, the target group consists of the various actors involved in the conflict or dispute management mechanism and the chain of operation of the courts of conciliation (Mairie, Court of First Instance, Police Republic, member of the court of conciliation, notables and local elected officials, populations).

Source: **Field research, 2021**

7.5.2. Sampling

The sample size is dedicated to the accuracy of all players submitted. to the questions. Due to the qualitative nature of our approach, we had to limit Our sample consisted of 200 people interviewed using Beaud's formula.

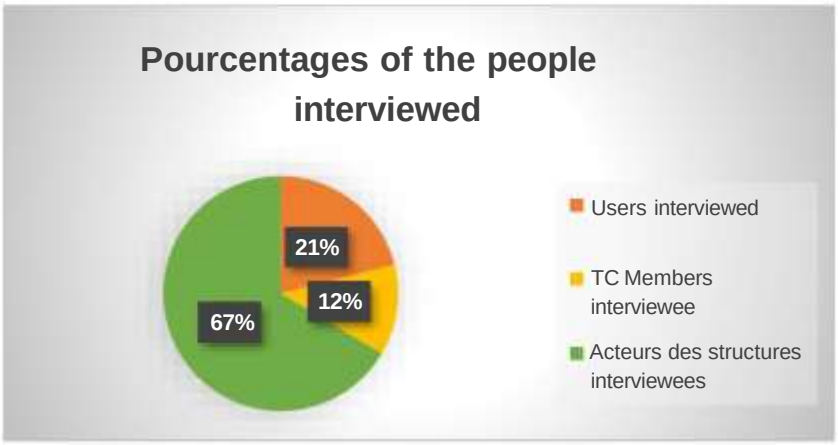
Table II: Sample structure

N	Common	Arrondissements	Villages/Neighborhoods	Chantillonre cher	Number of people surveyed
1	Lurt	Allada-Centre	Allada-Centre	30	**20**
2	Calavi	Calavi-Centre	Calavi-Centre	40	**35**

3 Kpomass	Kpomass	Kpomass Center	25	**19**
4 Ouidah	Ouidah-Center	Ouidah-Center	35	**25**
5 Toffo	Toffo-Centre	Toffo-Centre	25	**17**
6 Tori-Bossito	Tori	Tori-Centre	25	**17**
7 So-Ava	So-Ava Center	So-Ava Center	20	**10**
8 Zá, Ia	Eggs - Egg Center – Center		25	**17**
9 Cotonou	1st, 5th, 7th, 9th, 10th and 12th Rounding	Akpakpa Aries, Aylamadjá, Saint Miguel, Fifadji, Zogbohou and Gbégamey	60	**40**
Total			**285**	**200**

Source: **Akpone, January 2021**

The percentage of actors interviewed is as follows:



Source: **Akpone, January 2021**

7.6. Collection techniques and tools

As part of the study, various data collection techniques and tools are used data. These include:

• The route method: It identified the main actors who are the Heads of the Municipalities, members of the courts of first instance, the Republic of Police, members of the conciliation tribunal, notables and elected officials locals, users of the conciliation courts) and any other person who could provide information related to the study objectives;

• Active Method of Participatory Research (AMPR): It has been used to collect Information from stakeholders in the structures involved in the study.

Furthermore, the focus group technique has made it possible to understand the perception of the populations (users of the conciliation courts) with respect to the functioning of the conciliation tribunals, their actual existence in the localities of the study and, finally, the User opinion on the observed dysfunctions.

Depending on the details of the information sought, certain methods are used. Data collection tools such as: questionnaires and interview guide and a camera digital.

ÿ Questionnaires and interview guides were used to collect qualitative information and quantitative;

ÿ The digital camera was used for instant photography.

7.7. Data processing techniques and results analysis

The interviews contain key information that is removed, categorized by topic, and in accordance with the research objectives. They are then structured into categories. of responses with similar characteristics or trends. The statistical processing is This was done using Excel software.

Finally, an analysis of the results obtained through the model is carried out thematic content analysis, which has made it possible to highlight the variables that can be combine logically to facilitate the achievement of research objectives.

According to Pourtois and Désmets *(1988),* "thematic content analysis is a method of processing of the collected information. Its objective is to understand the most important communications beyond their primary meanings."

Based on this idea, thematic content analysis allows researchers gather information through the message issued by the interviewee.

In summary, this section provided a better understanding of the various aspects of the issue related to the management of complaints, litigation and conflicts in the conciliation tribunals and the methodological approach adopted to achieve the objectives established in this research. The implementation of this methodological approach has helped to identify the different contours of the research subject and to reach the results presented in the second part.

7.8. Hypothesis

- H1: The Benin trials have a significant impact
- H2: The Benin trials do not have a significant enough impact

8. Results

```
DATASET ACTIVATE Dataset0.
VARIABLE FREQUENCIES=Municipality Department Authority TypesofLitigation Appeal
  /ORDER=ANALYSIS.
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Frequencies

Grades

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Comments		
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	asset	
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	Number of rows of working file	201

Manipulation of the lost values	Definition of the lost	The lost values user-defined will be treated as lost.
	Case studies	Statisticians They are based on all the cases with valid data.
Syntax		FREQUENCIES VARIABLES=Municipio Department Authority Types of Litigation Come /ORDER=ANALYSIS.
Resources	Processor time	00:00:00,02
	Time elapsed	00:00:00,01

[Dataset0]

Statisticians

		Municipality	Department	Authority	Types of Litigation	Come
		other	other	d	other	
N	Valid 200		200	200	43	200
	Lost 1		1	1	158	1

Frequency table

Municipality

		Frequency	Percentage	Percentage valid	Percentage accumulated
Valid	Toffo	17	8.5	8.5	8.5
	Allada	20	10.0	10.0	18.5
	Ze	17	8.5	8.5	27.0
	Abomey-AC	35	17.4	17.5	44.5
	So-Ava	10	5.0	5.0	49.5
	Kpomass	19	9.5	9.5	59.0
	Ouidah	25	12.4	12.5	71.5
	Tori-Boss	17	8.5	8.5	80.0

	Cotonou	40	19.9	20.0	100.0
	Total	200	99.5	100.0	
Lost System		1	0.5		
Total		201	100.0		

Department

		Frequency	Percentage	Percentage valid	Percentage accumulated
Valid	Atlantic ether	160	79.6	80.0	80.0
	Coast	40	19.9	20.0	100.0
	Total	200	99.5	100.0	
Lost System		1	0.5		
Total		201	100.0		

Authority

		Frequency	Percentage	Percentage valid	Percentage accumulated
Valid	Local Authorities	70	34.8	35.0	35.0
	Police Chiefs	63	31.3	31.5	66.5

	Court Authorities of First Instance	24	11.9	12.0	78.5
	Court users conciliation	43	21.4	21.5	100.0
	Total	200	99.5	100.0	
Lost System		1	0.5		
Total		201	100.0		

Types of Litigation

		Frequency	Percentage	Percentage valid	Percentage accumulated
Valid	Penalty disputes	22	10.9	51.2	51.2
	Civil litigation	21	10.4	48.8	100.0
	Total	43	21.4	100.0	
Lost System		158	78.6		
Total		201	100.0		

Come

	Frequency	Percentage	Percentage valid	Percentage accumulated
Valid Police Station	107	53.2	53.5	53.5

	Court 1 or 2	53	26.4	26.5	80.0
	Court of conciliation	7	3.5	3.5	83.5
	Council of wise men	33	16.4	16.5	100.0
	Total	200	99.5	100.0	
Lost System		1	0.5		
Total		201	100.0		

DATASET CLOSE Dataset1.

DESCRIPTIVE VARIABLES=Municipality Department Authority TypesofLitigation Come

/STATISTICS=MEAN STDDEV MIN MAX.

Descriptive

Grades

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Manipulation of the lost values	Definition of the	The lost values user-defined are considered as lost.
	Case studies	All have been used the data not lost.
Syntax		DESCRIPTIVES VARIABLES=Municipio Department Authority Types of Litigation Come /STATISTICS=MEAN STDDEV MIN MAX.
Resources	Processor time	00:00:00,00
	Time elapsed	00:00:00,00

[Dataset0]

Descriptive statistics

	N	Minimum	Maximum	Average	Standard Deviation typical
Municipality	200	1	9	5.41	2,683
Department	200	1	2	1.20	,401
Authority	200	1	4	2.20	1,139
Types of Litigation	43	1	2	1.49	,506
Come	200	1	4	1.83	1,099
Valid N (according to list)	43				

```
CROSSTABS
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  /FORMAT=AVALUE TABLES
  /STATISTICS=CHISQ CORR
  /CELLS=COUNT BPROP
  /COUNT ROUND CELL
  /BARCHART.
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Contingency tables

Grades

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	asset	
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Entrance	Weight	<none>
	Split file	<none>
	Number of rows of working file	201
Treatment of the lost values	Definition of the lost	The lost values user-defined will be treated as lost.

	Case studies	The statisticians of the Tables are based on all the cases with data valid within the ranges specified for all variables of the tables.
Syntax		CROSSTABS /TABLES=Municipality Department By Authority Types of Litigation Come /FORMAT=AVALUE TABLES /STATISTICS=CHISQ CORR /CELLS=COUNT BPROP /COUNT ROUND CELL /BARCHART.
Resources	Processor time 00:00:02.39	

Time elapsed	00:00:03,12
Dimensions requested	2
Available boxes	174762

[Dataset0]

Summary of case processing

	Cases					
	Valid		Lost		Total	
	N	Percentage	N	Percentage	N	Percentage
Municipality * Authority 200		99.5%	1	0.5%	201	100.0%
Municipality * Types of Litigation	43	21.4%	158	78.6%	201	100.0%
Municipality * Acudena 200		99.5%	1	0.5%	201	100.0%
Department * Authority	200	99.5%	1	0.5%	201	100.0%
Department * Types of Litigation	43	21.4%	158	78.6%	201	100.0%
Department * Come	200	99.5%	1	0.5%	201	100.0%

Municipality * Authority

Contingency table

Count

		Authority			
		Authorities Local	Chiefs of Police	Authorities Courts of courts of First Instance	Users of conciliation
Municipality	Toffo	6a	5a	2a	4a
	Allada	7a	7a	2a	4a
	Ze	6a	5a	2a	4a
	Abomey-AC	12a	11a	4a	8a
	So-Ava	3a	3a	2a	2a
	Kpomass	7a	6a	2a	4a
	Ouidah	9a	8a	3a	5a
	Tori-Boss	6a	5a	2a	4a

	Cotonou	14a	13a	5a	8a
Total		70	63	24	43

Contingency table

Count

		Total
Municipality	Toffo	17
	Allada	20
	Ze	17
	Abomey-Ca	35
	So-Ava	10
	Kpomass	19
	Ouidah	25
	Tori-Boss	17
	Cotonou	40
Total		200

Each subscript letter indicates a subset of Authority categories whose proportions

column values do not differ significantly from each other at the 0.05 level.

Chi-square tests

	Worth	gl	Next. asymptotic (bilateral)
Chi-square of Pearson	1,157a	24	1,000
Reason of probabilities	1,074	24	1,000
Linear association by linear	,023	1	,878
Number of valid cases	200		

a. 17 cells (47.2%) have an expected frequency

less than 5. The minimum expected frequency is 1.20.

Symmetrical measurements

		Worth	Mistake typical asint.a	T approximate
Interval by interval	Pearson's R	-,011	,071	-,153
Ordinal by ordinal	Correlation of Spearman	-,009	,071	-,121
Number of valid cases		200		

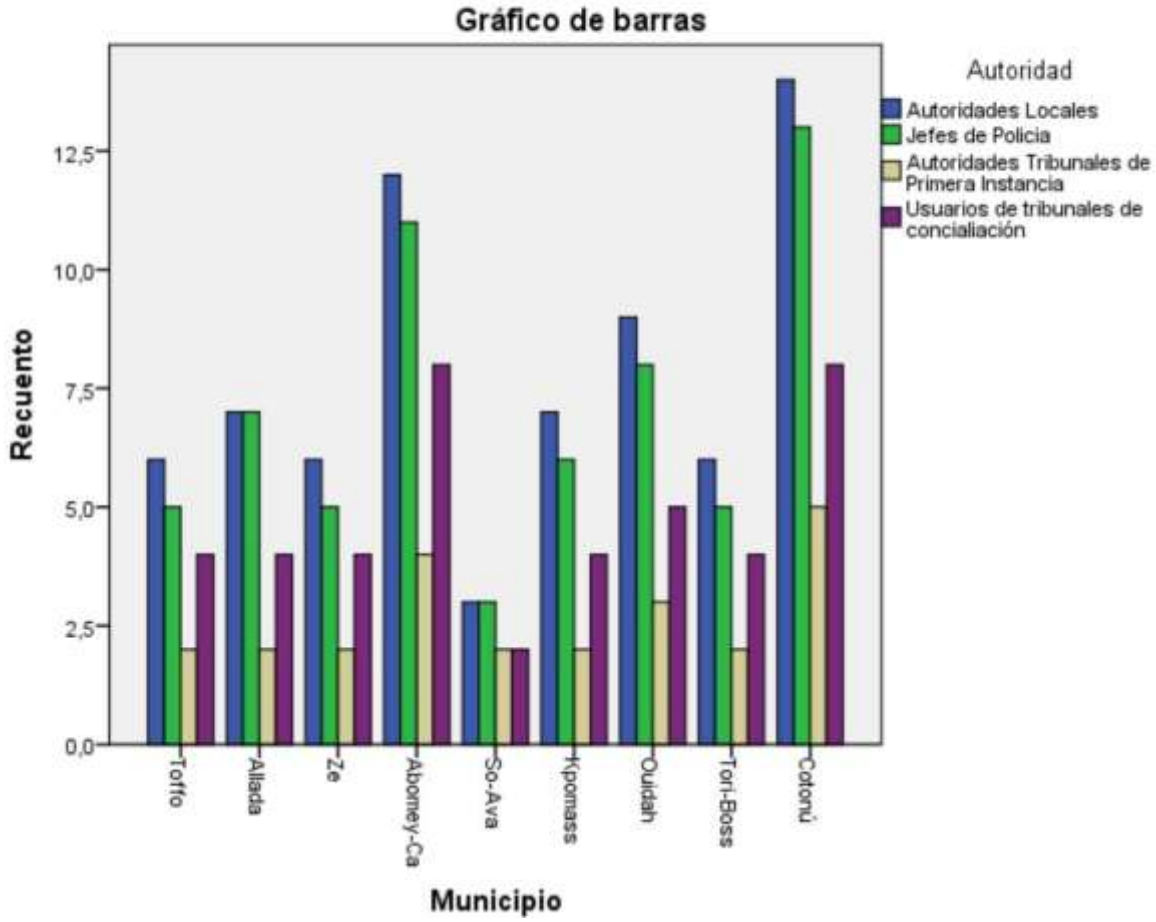
Symmetrical measurements

		Approximate sign
Interval by interval	Pearson's R	,879
Ordinal by ordinal	Spearman's rank correlation	,904
Number of valid cases		

a. Assuming the alternative hypothesis.

b. Using the asymptotic standard error based on the null hypothesis.

c. Based on the normal approximation.



Municipality * Types of Litigation

Contingency table

Count

		Types of Litigation		Total
		Disputes criminal	Litigation civil	
Municipality	Toffo	2a	2a	4
	Allada	2a	2a	4
	Ze	2a	2a	4
	Abomey-AC	4a	4a	8
	So-Ava	1st	1st	2
	Kpomass	2a	2a	4
	Ouidah	1st	4a	5
	Tori-Boss	2a	2a	4
	Cotonou	6a	2a	8
Total		22	21	43

Each subscript letter indicates a subset of

Types of Litigation categories whose column proportions do not

differ significantly from each other at the .05 level.

Chi-square tests

	Worth	gl	Next. asymptotic (bilateral)
Chi-square of Pearson	3,779a	8	,877
Reason of probabilities	3,997	8	,857
Linear association by linear	,298	1	,585
Number of valid cases	43		

a. 18 cells (100.0%) have an expected frequency

less than 5. The minimum expected frequency is 0.98.

Symmetrical measurements

	Worth	Mistake typical asint.a	T approximate

Interval by interval	Pearson's R	-,084	,151	-,541
Ordinal by ordinal	Correlation of Spearman	-,093	,153	-,596
Number of valid cases		43		

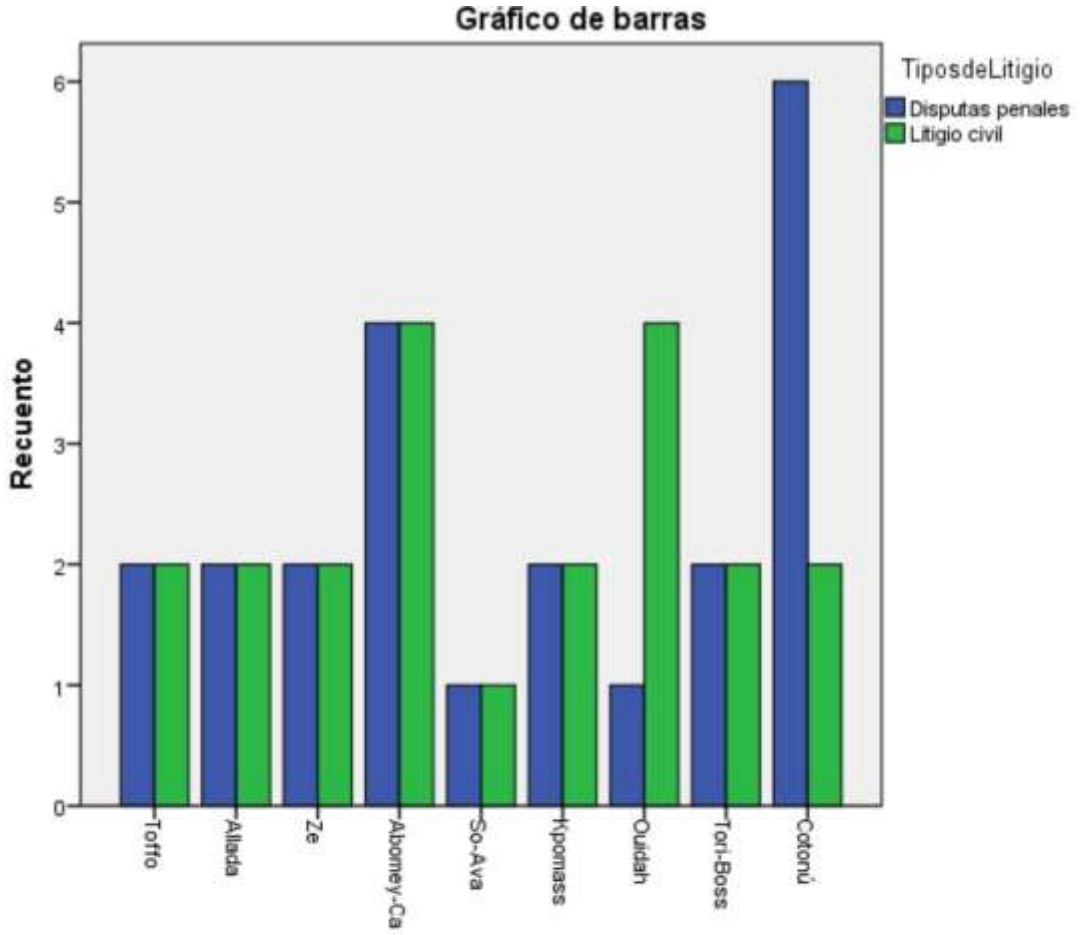
Symmetrical measurements

		Approximate sign
Interval by interval	Pearson's R	,592
Ordinal by ordinal	Spearman's rank correlation	,554
Number of valid cases		

a. Assuming the alternative hypothesis.

b. Using the asymptotic standard error based on the null hypothesis.

c. Based on the normal approximation.



Municipality * Come

Contingency table

Count

	Come	Total

		Police Station	Court 1st or 2nd	Court of conciliation	Council of wise men	
Municipality	Toffo	10a	4a	1st	2a	17
	Allada	11a	7a	0a	2a	20
	Ze	9a	4a	1st	3a	17
	Abomey-AC	17a	9a	1st	8a	35
	So-Ava	5a	2a	0a	3a	10
	Kpomass	10a	6a, b	3b	0a	19
	Ouidah	15a	7a	0a	3a	25
	Tori-Boss	9a	4a	0a	4a	17
	Cotonou	21a	10a	1st	8a	40
Total		107	53	7	33	200

Each subscript letter indicates a subset of Acudena categories whose proportions

column values do not differ significantly from each other at the 0.05 level.

Chi-square tests

	Worth	gl	Next. asymptotic (bilateral)

Chi-square of Pearson	20,005a 24		,696
Reason of probabilities	21,461 24		,611
Linear association by linear	,132	1	,716
Number of valid cases	200		

a. 20 cells (55.6%) have an expected frequency

less than 5. The minimum expected frequency is 0.35.

Symmetrical measurements

		Worth	Mistake typical asint.a	T approximate
Interval by interval	Pearson's R	026	070	,363
Ordinal by ordinal	Correlation of Spearman	,018	,071	,255
Number of valid cases		200		

Symmetrical measurements

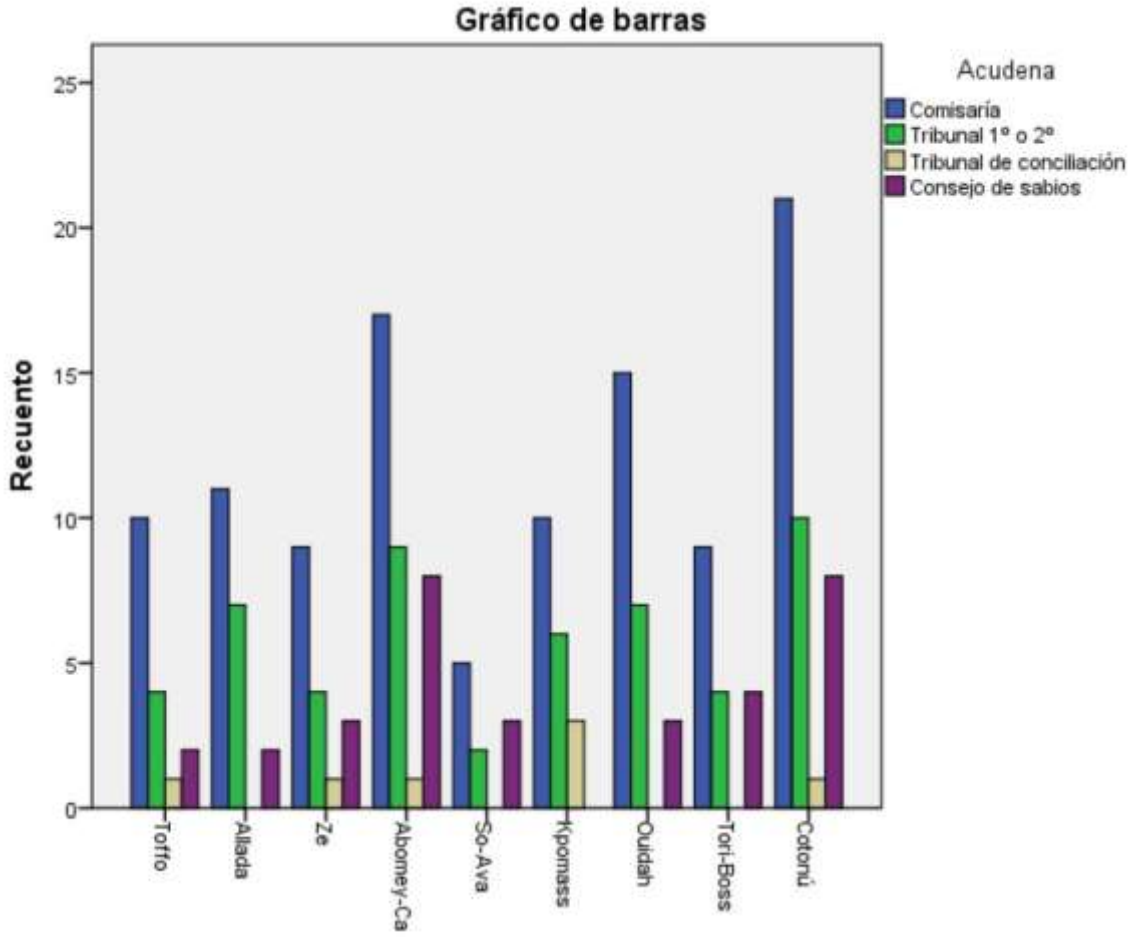
		Approximate sign
Interval by interval	Pearson's R	,717

Ordinal by ordinal	Spearman's rank correlation	,799
Number of valid cases		

a. Assuming the alternative hypothesis.

b. Using the asymptotic standard error based on the null hypothesis.

c. Based on the normal approximation.



Department * Authority

Contingency table

Count

		Authority			
		Authorities Local	Chiefs of Police	Authorities Courts of First Instance	Users of courts of conciliation
Department	Atlantic	56a	50a	19a	35a
	Coast	14a	13a	5a	8a
Total		70	63	24	43

Contingency table

Count

		Total
Department	Atlantic	160
	Coast	40
Total		200

Each subscript letter indicates a subset of Authority categories whose proportions

column values do not differ significantly from each other at the 0.05 level.

Chi-square tests

	Worth	gl	Next. asymptotic (bilateral)
Chi-square of Pearson	,079a	3	,994
Reason of probabilities	,079	3	,994
Linear association by linear	024	1	,877
Number of valid cases	200		

a. 1 cells (12.5%) have a lower expected frequency

5. The minimum expected frequency is 4.80.

Symmetrical measurements

	Worth	Mistake typical asint.a	T approximate

Interval by interval	Pearson's R	-,011	070	-,155
Ordinal by ordinal	Correlation of Spearman	-,008	070	-,119
Number of valid cases		200		

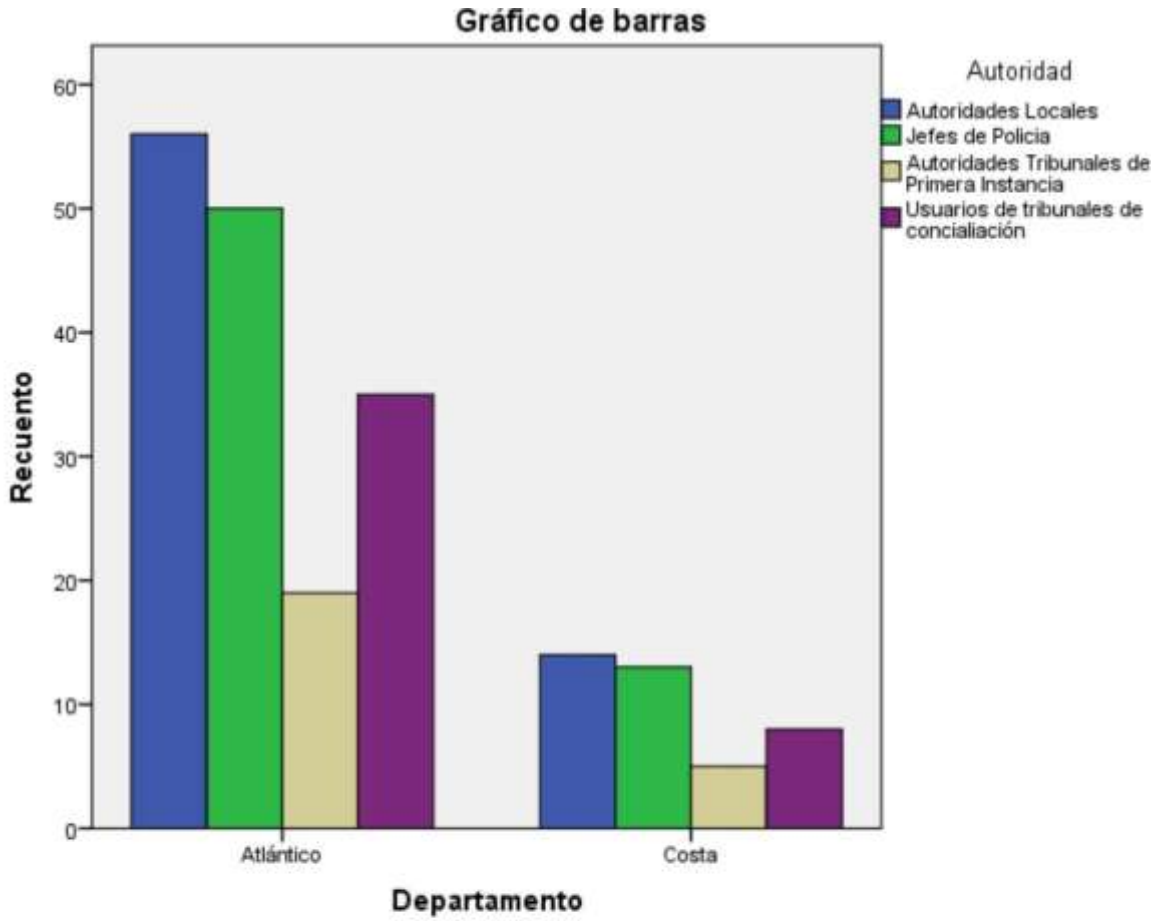
Symmetrical measurements

		Approximate sign
Interval by interval	Pearson's R	,877
Ordinal by ordinal	Spearman's rank correlation	,905
Number of valid cases		

a. Assuming the alternative hypothesis.

b. Using the asymptotic standard error based on the null hypothesis.

c. Based on the normal approximation.



Department * Types of Litigation

Contingency table

Count

	Types of Litigation	Total

		Disputes criminal	Litigation civil	
Department	Atlantic	16a	19a	35
	Coast	6a	2a	8
Total		22	21	43

Each subscript letter indicates a subset of

Types of Litigation categories whose column proportions do not

differ significantly from each other at the .05 level.

Chi-square tests

	Worth	gl	Next. asymptotic (bilateral)	Exact sign (bilateral)	Exact sign (unilateral)
Chi-square of Pearson	2,235a	1	,135		
Correction by continuity	1,217	1	,270		
Reason of probabilities	2,327	1	,127		
Exact statistic of Fisher				,240	,135

Linear association by linear	2,183	1	,140		
Number of valid cases	43				

a. 2 cells (50.0%) have an expected frequency less than 5. The minimum frequency

The expected value is 3.91.

b. Calculated only for a 2x2 table.

Symmetrical measurements

		Worth	Mistake typical	T
			asint.a	approximate
Interval by interval	Pearson's R	-,228	,139	-1,499
Ordinal by ordinal	Correlation of Spearman	-,228	,139	-1,499
Number of valid cases		43		

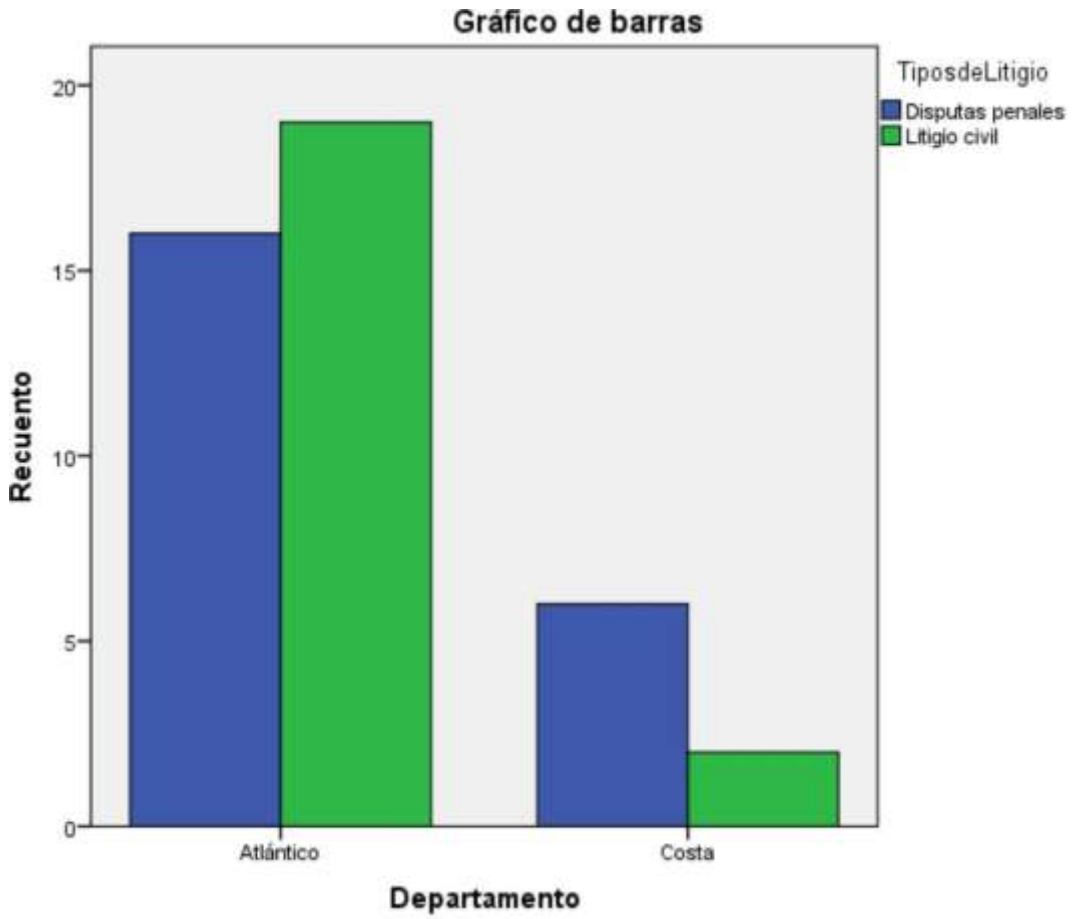
Symmetrical measurements

		Approximate sign
Interval by interval	Pearson's R	,141
Ordinal by ordinal	Spearman's rank correlation	,141
Number of valid cases		

a. Assuming the alternative hypothesis.

b. Using the asymptotic standard error based on the null hypothesis.

c. Based on the normal approximation.



Department * Come

Contingency table

Count

		Come				Total
		Police Station	Court 1st or 2nd	Court of conciliation	Council of wise men	
Department	Atlantic	86a	43a	6a	25a	160
	Coast	21a	10a	1st	8a	40
Total		107	53	7	33	200

Each subscript letter indicates a subset of Acudena categories whose proportions of

The columns do not differ significantly from each other at the 0.05 level.

Chi-square tests

	Worth	gl	Next. asymptotic (bilateral)
Chi-square of Pearson	,566a	3	,904
Reason of probabilities	,561	3	,905

Linear association by linear	,203	1	,652
Number of valid cases	200		

a. 1 cells (12.5%) have a lower expected frequency

5. The minimum expected frequency is 1.40.

Symmetrical measurements

		Worth	Mistake typical	T
			asint.a	approximate
Interval by interval	Pearson's R	,032	,074	0.450
Ordinal by ordinal	Correlation of Spearman	,021	,072	,302
Number of valid cases		200		

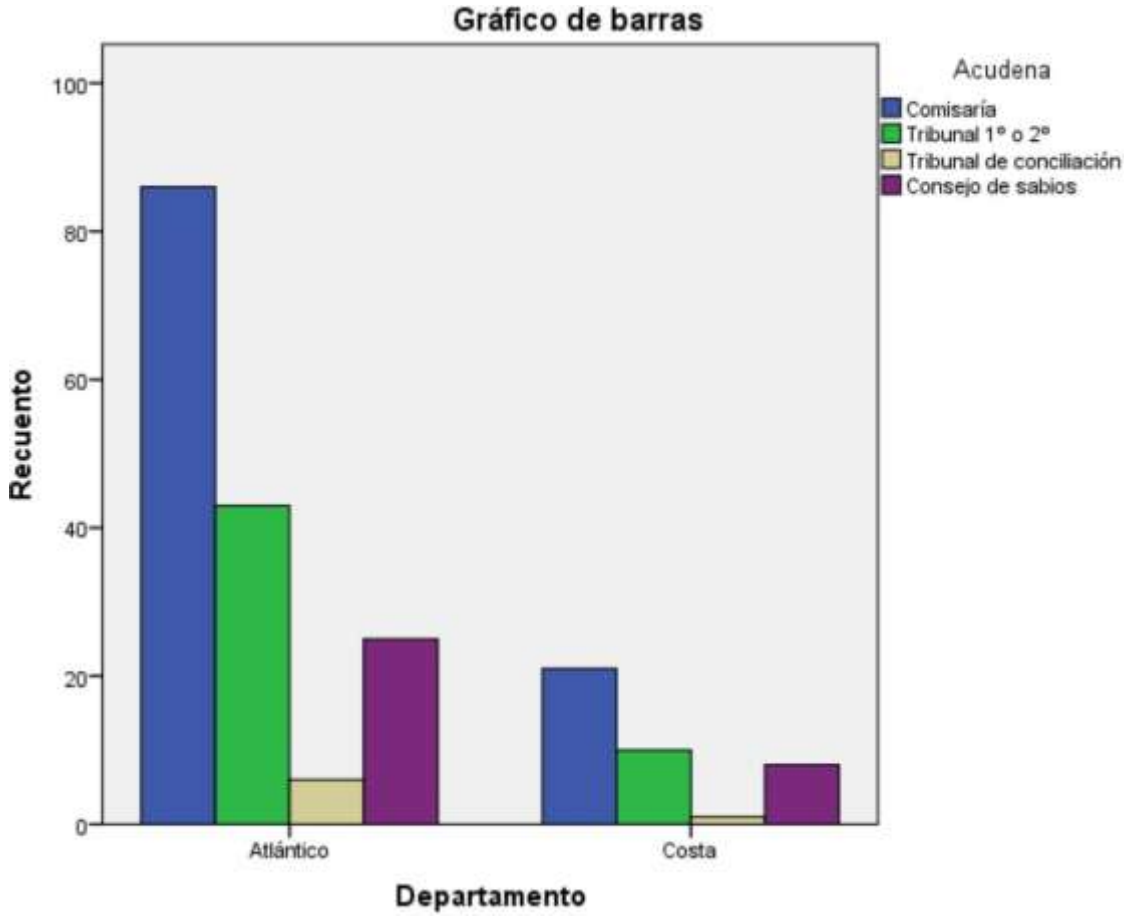
Symmetrical measurements

		Approximate sign
Interval by interval	Pearson's R	,653
Ordinal by ordinal	Spearman's rank correlation	,763
Number of valid cases		

a. Assuming the alternative hypothesis.

b. Using the asymptotic standard error based on the null hypothesis.

c. Based on the normal approximation.



9. Conclusions

The Court's "limited reach of communications" is "by far" the most frequent criticism

strong force made by the CCPI. Those whose lives are being protected "know nothing" or "it "Worse, they only know the government's propaganda." Therefore, the identity of the Court It is being framed by its opponents, a lesson learned from the problems of International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda.

Communication and outreach for the ICC are "very difficult." People need to realize this. that very few people or cases will be tried. They also need to know what kinds of 364 crimes are being dealt with. Financial problems continue to face the Court.

9.1. Recommendations

There are many ways to enable the proper functioning of the courts reconciliation. We do not intend to find a panacea for the various ills that undermine the harmonious functioning of the conciliation courts in the Atlantic and coastal, but we believe that implementing the following suggestions could help everyone the actors to take advantage of this instrument launched by the Beninese government in terms of justice.

- Revitalize the members of the Conciliation Court Office through

appropriate training sessions

- Strengthen support for conciliation tribunals;
- Increase the effectiveness of coaching
- To bring the judicial institution closer to the citizens

- Hold regular capacity-building training sessions and information for the communities;
- Promote exchanges of experiences between conciliation tribunals in operation;

10. Reference framework

The aim of this section is to present the framework of our study because understanding Understanding the social realities of an environment basically requires knowledge of the elements that characterize it. To better understand the functioning of the courts of Reconciliation in Benin, the framework of the study was limited to the Atlantic and the Departments Coast.

Law No. 97-028, of January 15, 1999, which organizes the administration territorial organization in Benin establishes a level of decentralization, namely, the department and a level of decentralization that is the Commune. The Commune is subdivided into districts without Legal and financial entities. The municipality is divided into urban districts and towns. rural areas.

The municipal bodies are the Rounding Chief and the Rounding Council. Rounding is administered by the Chief Rounding Officer (CA). Each CA is assisted by a council. municipal council made up of the Town and Neighborhood Chefs.

Since 1999, Benin has been divided into twelve departments and 77 municipalities. Departments of the Atlantic and Coast Selected for our study, there are 09 Municipalities located in Lower Benin and cover an area of 3,233 km2 and 79 km2 respectively with a population of 1,396,548 inhabitants and 678,874 inhabitants according to the 2013 Census, of the where a large segment of the population competes for land, property, and assets materials, etc.

Their population densities are 432 inhabitants/km² and 8,593 inhabitants/km². They are limited respectively to the north by the Zou department, to the south by the Atlantic Ocean, to the east by the department of Ouémé and to the west by the departments of Couffo and Mono and to the north and east by the

Atlantic Department to the west, Oume Department to the west, and the Ocean to the south. Atlantic. The following figure shows the framework of the study highlighting the existence of conciliation tribunals are operating in some municipalities of these two departments.

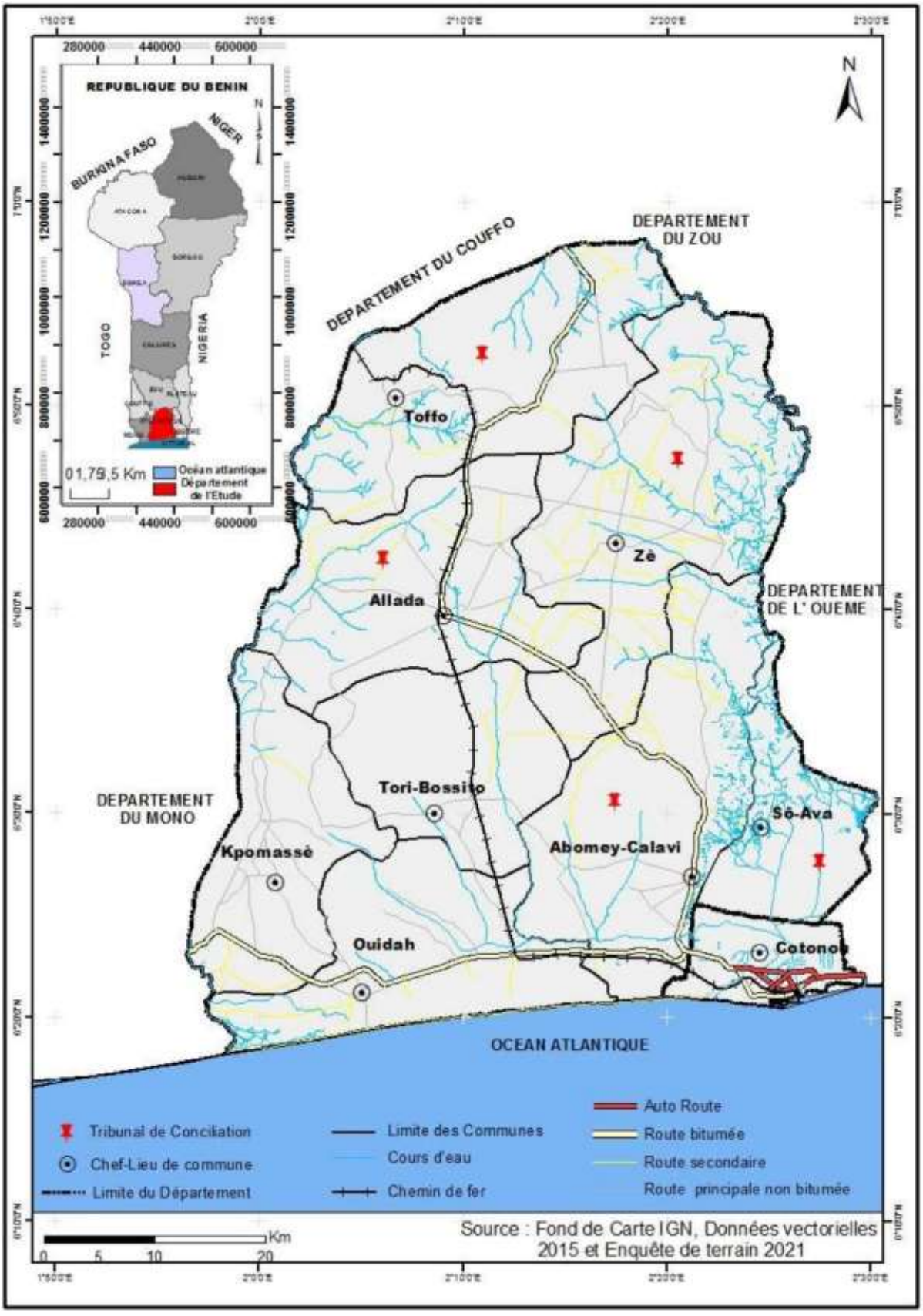


Figure xxx: Geographic location of the study area and functional conciliation courts

10.1. Management of Controversies or Disputes in the Atlantic and Coastal Departments in Benin

If the destiny of men is individual, their journeys on earth are collective and Life in society should, in principle, be a peaceful life where everyone respects each other. obligations and enjoy their rights in peace.

But in practice, Jean-Jacques Rousseau, in his "Discourse on Inequality," already He wrote in 1755 that "looking at human society with a calm and disinterested gaze It seems to show at first only the violence of powerful men and the oppression of the "Weak." As life in society has become a jungle, the need for to guarantee the safety of some against the natural appetites of others to harass justify the establishment of certain institutions competent in conflict resolution according to a management mechanism.

10.2. Types of disputes frequently recorded in the Atlantic departments and coastal areas and their management mechanisms

A dispute is a different kind of conflict, disagreement, or dispute considered from the perspective of at which point it becomes the subject of a judgment, conciliation, arbitration, among others Dispute resolution methods. These types of agreements depend on the jurisdiction of the institution before which the dispute is presented.

10.2.1. Types of Litigation

The various interviews conducted in all departments subject to our The study allowed us to discover a variety of disputes or conflicts. According to data collected in the field, the annual number of disputes registered by structures such as the Republican police, the court of first instance, and the court of

Conciliation procedures vary from department to department, depending on the type of litigation.

The following table shows the percentage of types of litigation in the study departments.

Table: Percentage of types of litigation in study departments

Types of litigation	Percentage	
	Atlantic	Coast
Penalty disputes	43%	77%
Civil litigation	57%	23%
Total	**100%**	**100%**

Source: Akpone, 2021

The interpretation of the table above shows that 43% of respondents in the

The Atlántico department said the controversies were criminal, and 57% said the

The controversies were civil. Similarly, in the coastal department, 77% of the

23% of respondents said that controversies are criminal, and 23% of respondents said that the

These disputes are civil. These results reflect the importance of civil litigation in the

Atlantic and coastal departments.

In general, the controversies that are often recorded are both criminal and civil.

These are ***the internal disputes (Disagreement over plot boundaries, regarding the exchange of inherited domains and succession of all kinds), breach of trust, the Fraud, theft, murder, and marital problems that sometimes lead to divorce .***

Internal controversies are the most dominant in all cases.

10.2.2. Dispute Management Mechanism

The dispute management mechanism identified in this study varies from

The following figure shows the level of change in the solution from individual to individual.

controversies.

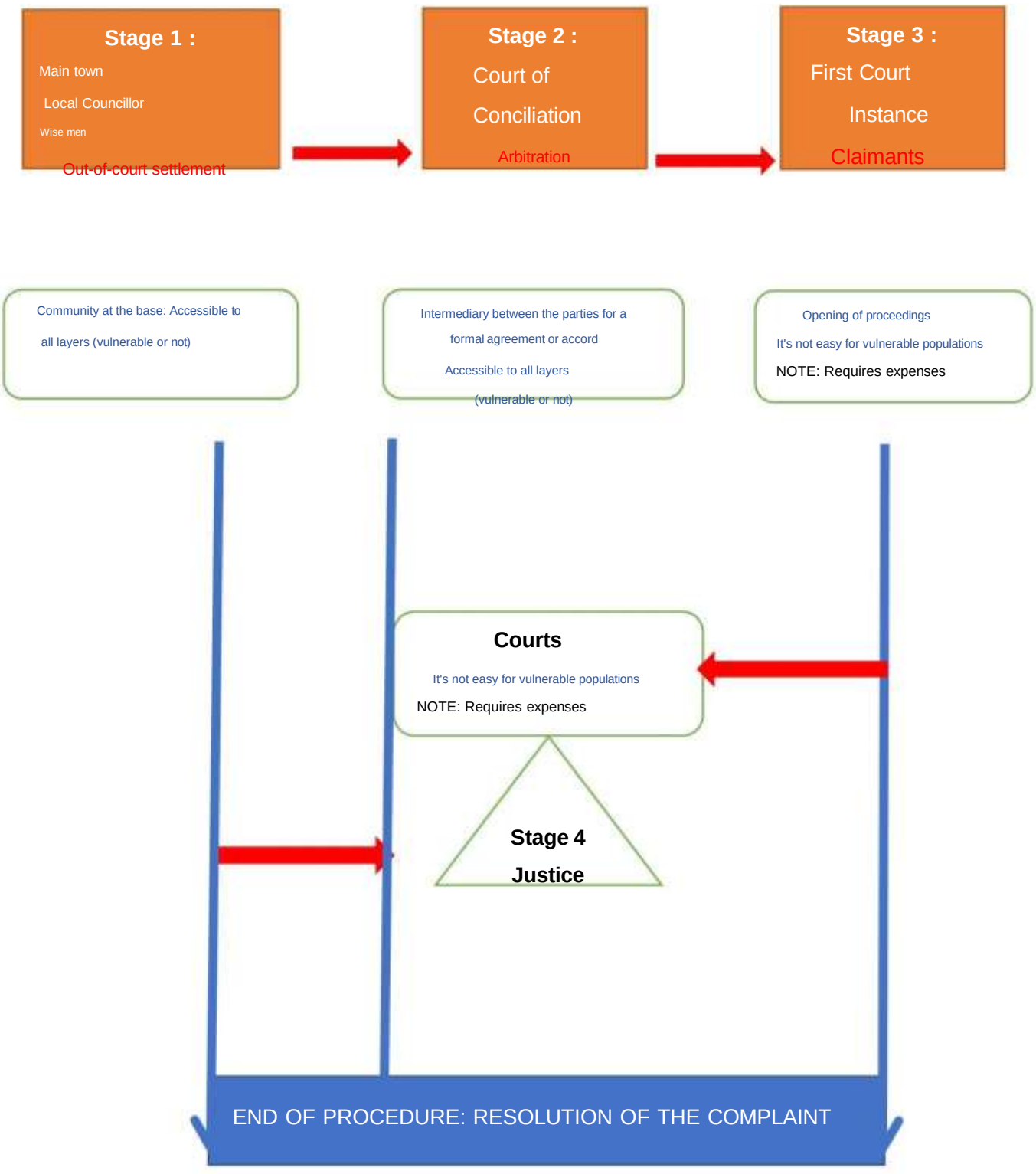

Stage 1 :
Main town
Local Councillor
Wise men
Out-of-court settlement
Stage 2 :
Court of
Conciliation
Arbitration
Stage 3 :
First Court
Instance
Claimants
Community at the base: Accessible to
all layers (vulnerable or not)
Intermediary between the parties for a
formal agreement or accord
Accessible to all layers
(vulnerable or not)
Opening of proceedings
It's not easy for vulnerable populations
NOTE: Requires expenses
Courts
It's not easy for vulnerable populations
NOTE: Requires expenses
Stage 4
Justice
END OF PROCEDURE: RESOLUTION OF THE COMPLAINT



Figure xx: Level of evolution in dispute resolution

Source: Akpone, 2021

The first level of dispute resolution is seeking an amicable agreement.

Of course, with the local representative. When there is no agreement, the litigants may seek conciliation through the intervention of an intermediary for a formal agreement or settlement. If the dispute is not resolved, the complainant proceeds to the initial phase of the procedure, either with a judicial police officer or directly in the courts of first instance.

In fact, the data collected on the ground revealed that **53% of those surveyed**

They go to the police station whenever there is a dispute between them and a third person. At this level, the Judicial Police Officer files a complaint that leads to the summons of the parties, as well as their hearings, which are the subject of a report of

The resolution or the file is sent to the prosecutor.

27% of these declarants reported that they were referring directly to the court of first or second class when they were in conflict with others. Before this court In the first jurisdiction, the court is taken directly by a petition filed by the litigant, or by the action of a bailiff or by an introductory accusation for the opening of the procedures that lead to a hearing that leads to a judicial decision.

Only 0.4% of those surveyed said they had requested the conciliation court

resolution of their disputes with an individual or community.

In the conciliation tribunal, users will file their complaints in writing or orally. In any case, the conciliation tribunal summons both parties, the telephone wiretaps and then carries out the verification of the information received, as well as the raid on the ground for investigation. Furthermore, the conciliation tribunal is scheduled to issue a ruling. on the matter while relying on the testimony of notables, wise men, and kings for the conciliation.

Conciliation may not be successful. In this case, the conciliation tribunal establishes a non-conciliation report and sends it to the court of first instance for the opening of a procedure. Otherwise, conciliation agreements are also prepared for approval. by the president of the conciliation court.

In light of the above, it is observed that the conciliation tribunals, which They are the least visited by users (according to field data), they are in principle a development tool because the resolution steps are much more sociological than legal. That is, the members of the conciliation tribunal are closer to the population and They have a better understanding of the territories where the complainants reside, because they are from those communities. This is an advantage compared to the management mechanism of controversies in the courts of first instance because here the judge is not obliged to be of the The location of his litigant or knowing the different plot of objects before him. It is based only in the law and in the results of their investigations.

10.3. Conciliation Courts in the Atlantic and Littoral Departments of Benin

When we have a conflict with another person or when we have rights to do To comply, we often wonder which jurisdiction to submit your case to and how to seize He. Thus, like any court in the Republic of Benin, the conciliation courts

Their existence is found in Law No. 2001-37, of August 27, 2002, relating to the Judicial organization (2.1.). Is this legal jurisdiction a reality? (2.2.)

2.1. Legal basis for the existence of conciliation tribunals

The creation of the conciliation courts is provided for by Law No. 2001-37, of 27 of August 2002, which establishes the judicial organization in the Republic of Benin, which establishes in its article 21 that "a conciliation tribunal is established by municipality in the municipalities with special status. A conciliation court is established for each one. from the other municipalities.

According to the data of Law No. 2001-37, of August 27, 2002, by which it is presented The judicial organization in the Republic of Benin has a total of 103 conciliation courts throughout the territory. The two departments that represent the framework of our study (Atlantic and Littoral/ Coast) have in principle only 21 conciliation tribunals distributed as shown in the following table.

Table I: Statutory breakdown of conciliation courts in the study area

Departments	**COMMUNES PREVU TC NUMBER**	
Atlantic	Lurt	1
	Calavi	1
	Kpomass	1
	Ouidah	1
	Toffo	1
	Tori-Bossito	1
	So-Ava	1
	Zá, Ia	1
Coast	Cotonou	13

Total	**21**

Source: Law on the Judicial Organization of Benin No. 2001-37 of August 27, 2002

This table clearly shows that the legislator has provided a court a conciliation board for each of the ordinary communes and a conciliation tribunal for each of the municipalities with special status. The spirit of this The distribution is fair in the sense that conciliation tribunals are created to guarantee the local justice, and municipalities with special status are often demographic exceptional. To provide a single conciliation court for an entire municipality with a A special statute would not be in line with the objective of the spirit of proximity of the legislature.

Is this feeling of closeness to the legislator a reality in practice? Do people

Are you familiar with this local jurisdiction?

2.2. Reality regarding the knowledge of the existence of conciliation tribunals

The situation regarding awareness of the existence of conciliation tribunals, by Unfortunately, it shows the opposite of what the law provides. In fact, most of the Those surveyed in the Atlantic and coastal departments say they are unaware of the The existence of the conciliation court or they have never spoken of such a jurisdiction. The tables The following clearly illustrate the results of the field data collection.

Table II: Breakdown of the Conciliation Courts existing in the Study Area

Departments	**COMMUNES NUMBER OF PREVU**	**TC**	**NUMBER OF TCS EXIST AND FUNCTIONAL**

Atlantic	Lurt	1	1
	Calavi	1	1
	Kpomass	1	0
	Ouidah	1	0
	Toffo	1	1
	Tori-Bossito	1	0
	So-Ava	1	1
	Zá, Ia	1	1
Coast	Cotonou	13	0
Total		**21**	**05**

Source: Akpone, 2021

This table shows that of the 21 legal conciliation courts in the

In the Atlantic and coastal departments, only five (05) 16 courts exist and operate.

Work-life balance in these two departments of the study has remained non-functional, 24%.

of the conciliation courts that operate, and 76% do not function as shown in the

summary figure below.

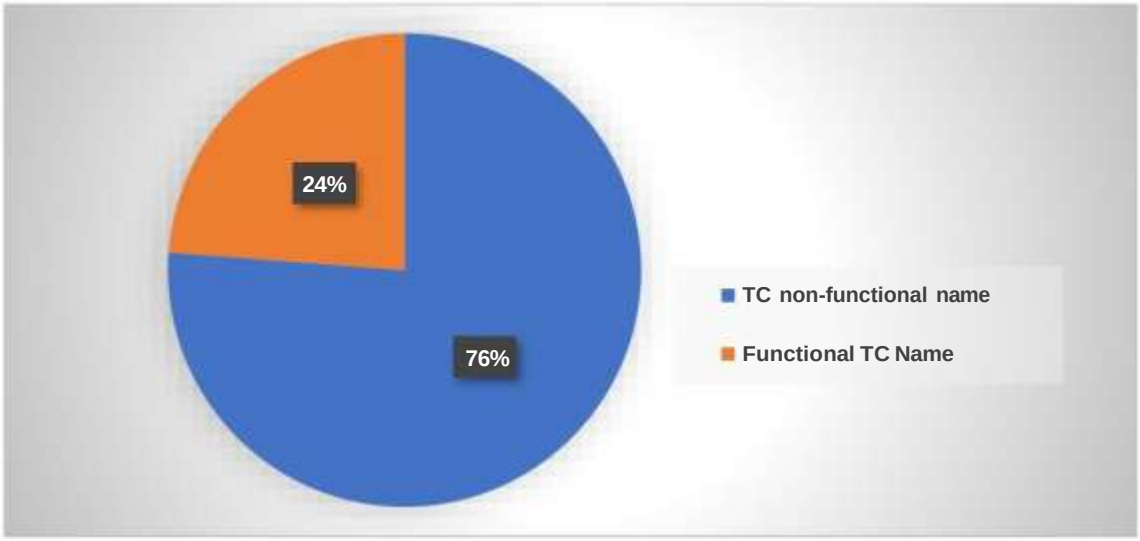


Figure: Percentage summary of the numbers of functional conciliation tribunals or non-functional

Source: Akpone, 2021

From the analysis of this table and the graph, it appears that the application of the law that creates the Conciliation tribunals in the Republic of Benin continue to struggle to be effective.

In fact, theoretically eight (08) conciliation tribunals are provided just for the department of Atlántico. But the reality is that the municipalities of **Toffo, Allada, Zá, So-Ava and Abomey Calavi** are the only ones who have them and where it is functional subject to the Deficiencies still related to its operation. The following photos show the cases of conciliation tribunals observed on the ground.



Board xxx: Abomey-Calavi Conciliation Court (left), Conciliation Court of Allada (right)

Cliché; Akpone, 2021.

For the rest of the municipalities in this department **(Kpomass, Ouidah and Tori-Bossito)** the conciliation tribunals have ceased to exist since 2014 for reasons related to the fact that the authorities themselves underestimated the usefulness of the existence of conciliation tribunals in these areas.

With regard to the coastal department, the law provided thirteen (13) to a type of one (01) per municipality. The results of the data collection reveal that this has never been the case. It has not existed in any of the municipalities of the Cotonou commune. It would be interesting to study How 24% of functional conciliation courts work.

10.4. How do the conciliation courts work in the Atlantic departments and coastal areas of Benin?

The study of how conciliation courts work depends first and foremost on of its composition (3.1.) and its responsibilities (3.2.). Furthermore, (3.3.) the functions and missions of the members, as well as the structural relationships between the courts of conciliation and the courts of first instance (3.4.).

10.4.1. Conciliation Courts

In accordance with the provisions of Article 22 of the Law on Judicial Organization In the Republic of Benin, the conciliation court is composed of a president, two advisors and a secretary. The president is appointed for two years by the Seal Guard, Minister in charge of justice, proposed by the president of the court of first instance, after the mayor's advisory opinion, among notables, retired officials or citizens who French people residing at the headquarters of the conciliation court can read and write and enjoy of good morality and the trust of the population.

The advisors are also appointed for two years by order of the president of the court of first instance in a list of twelve people of good character drawn up by the mayor.

A chairperson and two alternate evaluators are appointed in the same procedure, respectively.

The secretariat of the conciliation courts is provided by an official public official or civil servant who serves in the locality, sits and is appointed by the mayor. As illustrated in the following table, these are generally people in a particular group of age those who can be wise.

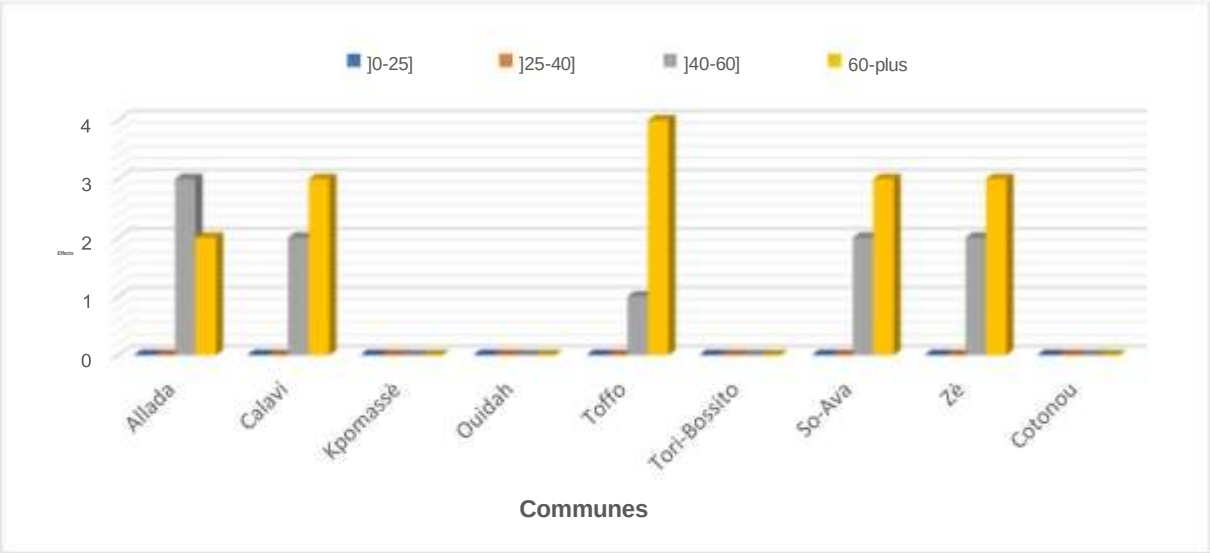


Figure: The age range of the members of the conciliation tribunal was investigated

Source: Akpone, 2021

Analysis of this chart and the previous figure shows that almost all members of the Conciliation tribunals range from forty to 60 years or more in terms of age.

This means that with each of their personal life experiences, it can be a active or used to bring the parties to a compromise.

In our countries, problems are solved in various ways. Today, Some of these problems are being resolved through court actions conciliation. The mission of conciliation tribunals is not to attempt, but to attempt a friendly agreement, a conciliation between the people who oppose a case.

The procedure followed before the conciliation courts in relation to the The investigation of a matter is that which, in force before the traditional courtroom of the court of first instance, as indicated in article 27 of Law No. 2001-37, of August 27 of 2002, which is when the judicial organization is taken to the Republic of Benin.

In addition to the parties and their witnesses, the conciliation tribunal may hear from any

A person with proven knowledge of the customs of the parties. In case of failure
of one of the parties or of the failure of the attempt at conciliation, a record containing all the
The statements received and the actions taken are drafted by the president, assisted by the
secretary.

The original is kept at the courthouse. The copy certified by the President is
forwards the file to the court of first instance, which immediately forwards it to the
controversy and then proceed in the forms provided for in article 55 of this Law.
If there is a full or partial settlement, the president of the conciliation tribunal, assisted by the
The secretary prepares the minutes of the agreement. These minutes are read and translated into the
The documents are divided into parts and then signed by them if possible; otherwise, a note is made.
Originals and supporting documents are immediately sent to the court of first instance for their
will.

The court orders the personal appearance of the parties. In the case of a will, the
The original and documentary evidence are returned to the conciliation court with the
will. The original is kept in the clerk's office. Copies are given to the parties.
Provide a copy to the prosecutor. The settlement agreements then have the force of law.
of a judgment issued while in force, or of a judgment already adjudicated. In case of a reasoned refusal
Regarding the will, the procedure continues as indicated in Article 29. In all
In these cases, the decision regarding succession or disallowance of a will must take place within the
two months after the receipt of the file by the court of first instance.

10.4.2. Functions and missions of the members of the conciliation tribunal

- **The President**

The president controls the audience, he directs the debates. As such,

he:

- Verify the identities of the parties and witnesses,
- Isolate the witnesses,
- He gives voice to the plaintiffs and takes the time to listen to them until the end of these proceedings.

statements,

- He gives the floor to the accused and also takes the time to listen to them,
- Ask questions of the parties,
- Ask the evaluators attending the hearing if they have any questions.

to do. These questions necessarily go through the president to avoid

the disorder;

- Listen, witnesses,
- Demonstrates skill in conducting debates.

At the end of the debates, the President suspended the hearing to consult with the evaluators. Deliberates on the solution to be proposed to the parties. The president may authorize the secretary to deliberate.

Following this consultation, the President declared that the hearing had resumed. It provides the The parties agree on the solution proposed by the court. If the parties agree, it is prepared in the To the extent possible, a conciliation agreement outlining the terms of the agreement should be drawn up, if possible. refers the case to another date for the drafting of the written minutes immediately or after The case is returned shortly thereafter; the conciliation agreement is signed by the president. secretary and the parties. If the parties do not know how to sign, this is noted in the minutes. If the parties do not agree with the proposed solution, minutes of non-compliance are drawn up. conciliation, signed this time only by the President and the Secretary.

It should be taken into account:

- Reconciliation can be total or partial,

- The conciliation agreements are read and translated to the parties before they sign.

• **The advisor**

He assists the President during hearings and speaks with the President's permission. in the debate to ask questions in order to shed light on the obscure points during the debate. He is also often sent by the president to the field for research and also to gather testimonies, in short, all the information useful for the discovery of the truth about the case presented before the conciliation court.

• **The secretary**

After receiving the complaint, set a date for the complainant to be notified of the follow-up on your complaint. Due to the difficulties in convening the conciliation tribunal, it He states that the court meets on a fixed schedule. Every Monday, for example, the The complainant can come and inquire about the suite reserved for their complaint or to request summonses for the opposing party and witnesses.

He is also the auditor of the parties' residences. It should be noted that when he wishes Referring someone to the conciliation court is done in the court of their residence or:

- The geographical location of the object of the dispute when it concerns land, a building, for example,

- The celebration or execution of the contract.

But if, on the contrary, the secretary considers that the matter falls under the jurisdiction of the The conciliation tribunal takes the request to the President and together they set the date on which it will be examined by the court. This date is mentioned in the complaint of the president who paraffinized by below the so-called mention. The date of the first hearing thus selected is referred to the

Registration of coils by the clerk. The clerk of the conciliation court arrives to present the case.

For the secretary, the complaint and the statements are attached and the following mentions are They write on the first side:

- The appointment of the court of first instance,
- The appointment of the conciliation tribunal,
- The file number and the vintage year;
- Each number is taken from the winding register,
- The date of the first hearing,
- The applicant's name,
- The name of the accused,
- The purpose of the application.

10.4.3. Structural relationship between the conciliation courts and the courts of first instance

The conciliation tribunal is at the public service of the State, under the authority of the Keeper of the Seals, Minister of Justice, Legislation and Human Rights. An inspection is underway. periodically, even during court hearings.

The mission of the conciliation tribunal contributes to the resolution of certain disputes between individuals through the ongoing search for agreement, understanding and appeasement.

Unlike courts and tribunals that have the power to compel the litigants to appear before them, to impose monetary and corporal sentences, the court of Conciliation should never be imposed, decreed, or decided.

As a result, the action of the conciliation tribunal is not authoritarian. The function of the

The purpose of a conciliation tribunal is to facilitate agreement between adversaries through counseling.

and persuasion, and then see the result obtained in a conciliation agreement or a non-conciliation agreement.

conciliation.

Under certain provisions of the law that regulates the judicial organization in the

Republic of Benin, the court of first instance, you, the package constitutes the two

Main control and operational bodies of the conciliation tribunal. Relations

The structural issues that this part of our study deals with are derived from the link between the

conciliation court and the court of first instance. Thus, the president of the court of

The conciliation and its appeal are appointed at the proposal of the court of first instance

(Article 8 of Law 64-28; Article 22 of Law 2001-37). Better yet, the evaluators and their

supplicants are appointed by order of the presiding judge.

This means that without the intervention of the presiding judge, a null trial cannot be held.

appoint to these various positions. Similarly, "the president of the first instance court

This instance helps to end the functions of the presidents and advisors of the courts of

"conciliation" (Article 22 to 4 Law 2001-37) because they are appointed for a renewable period

two years old.

In light of the above, it must be said that the court of first instance of your

The president controls and wants the conciliation court to function properly.

10.5. Qualitative evaluation of conciliation tribunals by users

The conciliation tribunals provided for by law would really be a tool of development if the direct actors of the court are impartial (4.1.) on the one hand and do It is convenient for users to access the conciliation court, on the other hand (4.2.).

10.5.1. Evaluation of the impartiality of the members of the conciliation tribunals

For the few municipalities or conciliation courts that are still functioning, many Deficiencies and irregularities are attributed to her. This is revealed with particular regret. by the populations surveyed in the different locations where they were carried out mainly focus groups.

The case of the municipality of Ze suggests that policies influence the functioning of conciliation tribunal to the point where some users have been harmed in their rights based on the political affiliation of their opponent.



Photo: Focus group in the commune of Ze

Photo: Akpone, 2021

In view of all the above, and especially after reading the information gathered Of the group of men and women pictured above, there are essentially two things.

First, the total ignorance of most of the people interviewed in this photo of the existence of a conciliation court in their municipality. Although this jurisdiction is well functional. The lack of knowledge is that there is no space worthy of the name outside of the only one office that would have been made available to him within the town hall.

Secondly, the corruption of the direct actors of the conciliation tribunal by Part of certain population groups that are related and others. The So-Ava people It seems to give the same impression of impartiality as the members of the court of Conciliation. Here, the populations begin by expressing their discontent. related to the fact that the conciliation court in your area remained during a long time without its own premises. Furthermore, its president would truly be impartial and would even interfere in cases of conspiracies that would lead the natives to Calavi Court of First Instance. The worst part is that, according to people, it has been in this position for more than 10 years, despite the fact that the law provided for a renewable term of two years.



Photo: Focus group in the So-Ava commune

Cliché: Akpone, 2021

Here is a group of men gathered at the So-Ava pier who gave the impressions mentioned above. In summary, the conciliation tribunal is functional, but suffers from enough deficiencies

10.5.2. Evaluation of the conditions of access to the conciliation tribunals

Of the population surveyed, 63% of those familiar with the court of Conciliation services stated that they had difficulty accessing the conciliation courts. Difficulties vary from locality to locality, but the difficulty of not knowing the The facilities of the conciliation court are transversal. In other words, most of the People don't know exactly where to go to meet with the members of the court. conciliation and present their problem. According to the defendants, this is due to the fact that the Most conciliation courts do not have separate premises, like the courts of first instance. The data collected demonstrates that 99% of the courts of The conciliation process will involve those visited joining the city council facilities or those of the municipality. Beyond this difficulty, which is common to the geographical framework of this study, There is also a need for 78% of the populations interviewed to be functional. in some localities where the conciliation court is functional. The reasons for this lack The lack of knowledge is due to the fact that the members of the conciliation tribunal not only do not have not formally presented, but often have not organized sessions of awareness, even if only about the existence of the conciliation court in their municipality.

In short, we can recall that, in general, the difficulties associated with the Access to conciliation tribunals is much more organizational or structural than financial, since according to the data collected, the services of almost all the courts of conciliation services are free.

In fact, 99% of the conciliation courts working in this study They provide benefits without a monetary requirement. The only exception to this principle is the In the case of the municipality of Allada, the conciliation court charges 2,500 CFA francs for complaints. and 14,500 CFA for on-the-ground raids.

The study determined that the functioning of the conciliation courts, which is One of the current methods of conflict resolution in Benin has weaknesses up to the to the point that their strengths are far from matching their weaknesses. From this conclusion, it is The legal and regulatory framework was evaluated, and the factors were identified. sociocultural factors that could hinder the implementation of the judicial reform.

10.6. Evaluation of the legal framework and regulatory institutions

Law No. 2001-37, of August 27, 2002, which creates the organization The judicial system in the Republic of Benin is the law that creates the conciliation courts, which It establishes its composition and operation. In its article 26, it further states that "the Conciliation tribunals have jurisdiction over all matters, except for the exceptions. provided for by law, particularly in civil, criminal and individual disputes and the situation of modern people. They continue to exercise their competence in the state of the people waiting for the appropriate texts to be voted on. However, the referral to The conciliation tribunal is optional." This provision establishes the jurisdiction of the

conciliation courts. However, it should be noted that the Code of Procedure
Civil law has led to the depletion of the conciliation courts, so that today they are only
competent in state cases that still share in cases of rape of
criminal law with the courts of first instance. This almost total restriction of the
jurisdiction of the conciliation courts and the optional nature of their referral are not
exempt from consequences for the functioning of the conciliation courts.

10.7. Powers of the conciliation tribunal

Initially, conflict management by conciliation tribunals has several
forces. Allows:

- the rapid resolution of the conflict that favors the development of the perimeters of the land in question;
- Save time and money
- social harmony and peace between the disputing parties through the preservation of the interpersonal relationships;
- Scrupulous respect for customs regulations, as they apply directly to the base and are recognized by all;
- to guarantee that any person will exercise their constitutional right to have their case heard heard. Article 7.1 of the African Charter on Human and Peoples' Rights Peoples, adopted by the OAU on June 18, 1981 and ratified by Benin on June 20 January 1986 and incorporated into the constitution of December 11, 1990, recognizes the right of all persons to submit any act to national courts competent to the competent national courts and fundamental rights recognized and guaranteed by conventions, laws and customs in force; - the

right to a defense, including the right to be assisted by a lawyer of his choice;

- the right to be tried within a reasonable time by an impartial tribunal.

The enforcement of court decisions is supported by the police. However, there are significant weaknesses in this form or method of dispute resolution.

10.8. Weaknesses of conciliation tribunals

The management of conflicts by conciliation tribunals presents many weaknesses which are the following:

- The absence of coercive force is a serious deficiency in the proper functioning of the conciliation courts;
- the lack of enforceability in the conclusions of the conciliation bodies, which They remain mere recommendations and a call to wisdom;
- Mediators often use an equitable agreement to ensure that their conclusions or recommendations are applied; this approach is not yet based on the law;
- bias, interference, or influence of certain customary or political authorities, in particularly at the level of municipal state affairs services;
- Inadequate material resources;
- The lack of remuneration for members of conciliation tribunals;
- The lack of coverage of the study area by the conciliation courts. In the At the time of this study, there are only five conciliation courts in operation in the departments of the Atlantic and the Coast;
- Lack of specific space for the conciliation courts in the study area
- The absence of public awareness sessions on the existence of tribunals conciliation.

10.9. Sociocultural and political factors that may hinder good functioning of the conciliation courts

For the two departments of this study, 21 courts are planned. Conciliation. But in practice there are only five (05) and they are functional. There are many Reasons for this dysfunction. These are political reasons; administrative matters and financial:

- **Political reasons:** in some municipalities the mayor, who is responsible for collecting the nomination files would not have done so, which has been the case for years, the Conciliation courts no longer exist in some of these municipalities.
- **Administrative reasons:** The president of the court of first instance is responsible for installing the members of the conciliation tribunals in their area appointed by the Minister of Justice. It is also responsible for ensuring the training of members and also the proper functioning of the courts reconciliation. Unfortunately, however, this burden is still not being met and He asserts. In short, the structural and functional relationships between the Courts of first instance and legal conciliation courts. This would lead to a dysfunction in the conciliation courts.
- Financial **reasons :** Unpaid members of conciliation tribunals They would have lacked motivation in performing their duties. Furthermore, certain Conflicts of interest enter the State Affairs department within the municipalities and conciliation courts most often result in the disappearance of the conciliation courts.

11. Practical process

QUESTION FOR ACTORS IN THE FOLLOWING STRUCTURES:

The City Council, the Court of First Instance, the Republic Police, the NGOs, etc.

Your comments and suggestions are important and we thank you for taking the time.

Please allow time to answer the following questions. The questionnaire is anonymous and we guarantee it.

the strictest confidentiality of your answers

General

0-1. Sheet number: /// /

0-2. Survey date: ///

0-3. Department:.....

0-4. Common:.....

0-5. Town:.....

0-6. Name of the researcher.....

0-7. Controller Name.....

I. Identity of the defendant

1. Name and surname of the Defendant.....

2. Sex.....

3. Defendant's Education Level / Primary / Secondary / Higher

4. Literacy: Yes / No /

5. Contacts: Tel..... Email:.....

6. Function.....

7. How many years have you lived in this community? Years of age

II. Objective 1: List controversies, disputes, claims or demands

that are frequently observed in the area of research and its management mechanism.

8. Can you tell us about the various disputes, arguments, complaints, or grievances that are observed?

frequently in your area?

.....

.....

.....

9. What are the steps for resolving disputes, disagreements, complaints, or grievances in your area?

.....

.....

.....

10. What are the frequent disputes, arguments, complaints, or claims in your area that

Do they lead to the country's courts?

.....

.....

.....

11. Is the use of conciliation and mediation optional or mandatory?

.....

.....

.....

12. For what disputes, disagreements, complaints or claims does it resort to conciliation and the mediation?

.....

.....

.....

13. When are conciliation and mediation used?

.....

.....

.....

14. What do you think are the laws of the reconciliation process?

.....

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.....

III. Objective 2: To provide an update on the knowledge of the existence of conciliation courts

15. Have you heard of conciliation courts and do you know any of them?

.....

.....

.....

16. When do you think we will go to the conciliation courts?

.....

.....

.....

17. Do you know where the conciliation court office is located in your area?

But ☐ ☐

18. If so, what are the powers of the conciliation tribunal in your area?

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.....

19. Do you know the members of the conciliation court office in your area?

.....

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20. What are the functions of each member of the conciliation tribunal in

your area?

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21. What are the working hours of the members of the conciliation tribunal in your area?

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.....

22. Do you think people in your area regularly attend the courts of Conciliation? Yes ☐ No ☐

23. If so, how often?

.....

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.....

Objective 3: To determine how conciliation tribunals operate in the area of investigation

24. On what basis are the members of the conciliation tribunal chosen?

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25. What is the level of education of each member of the conciliation tribunal?

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26. What are the basic training courses for members of the court of conciliation?

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27. Are there any special training courses for becoming a member of the court? conciliation?

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28. What training is available to become a member of the conciliation tribunal?

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29. How are the members of the conciliation tribunal in your area paid?

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30. How does the conciliation court work in your area?

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31. How does the conciliation tribunal resolve disputes, disagreements, complaints, or claims?

in your area?

.....

.....

.....

32. Are the decisions adopted by the parties involved accepted?

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V. Objective 4: To determine the opinion, quality and satisfaction of users of the conciliation courts in the survey area

33. It is easy to access the conciliation court services in your area:

.....

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.....

34. Who has access to judicial conciliation services in your area?

.....

.....

.....

35. Can you tell us the different types of actors involved in the resolution of

Disputes, disputes, complaints, or grievances at the conciliation tribunal level in your area?

Direct actors	**Modus operandi (intervention mechanism)**
Indirect actors	**Modus operandi (intervention mechanism)**

36. Does the conciliation court in your area function effectively?

But **Explain**

.....

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.....

37. Are there any shortcomings in the handling of disputes, grievances, complaints, or claims at the level of

Is there a conciliation court in your area?

.....

.....

.....

38. How are failures in handling controversies, disputes, complaints or

Are there any claims at the conciliation court level in your area?

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39. What is the level of confidence in the fairness of the conciliation court in your area?

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40. How quickly is justice served by the conciliation court in your area?

.....

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.....

41. What role does the State play in the functioning of the conciliation tribunal in

your area?

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42. Is the State effectively fulfilling its role in the functioning of the

Is there a conciliation court in your area?

But

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.....

.....

43. Are you familiar with the texts that govern the operation of the conciliation tribunal in your

area?

Yeah, **no no,**

.....

.....

.....

44. What factors influence the functioning of the conciliation tribunal?

in your area?

.....

.....

.....

45. Which actors/countries influence the functioning of the conciliation tribunal in your area?

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46. Are you satisfied with the justice delivered by the conciliation court in your area?

But

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47. Will you advise other people to advise the conciliation tribunal services in your area?

.....

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.....

48. Can you explain the reasons for this decision?

If so, **could you explain it to me?**

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49. What are the strengths/assets in the functioning of the court of conciliation in your area?

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50. What opportunities exist to improve the functioning of the conciliation tribunal? in your area?

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51. What are the weaknesses in the functioning of the conciliation tribunal in your area?

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52. What are the threats to the functioning of the conciliation tribunal in your area?

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53. What can be done to ensure that conciliation tribunals benefit each increasingly to users in a sustainable way?

.....

.....

.....

54. What are your expectations regarding the functioning of the courts of conciliation?

.....

Thank you for your valuable contribution.

QUESTIONNAIRE FOR MEMBERS OF THE CONCILIATION COURT

Your comments and suggestions are important, and we thank you for taking the time to

Please answer the following questions. The questionnaire is anonymous and we guarantee the utmost discretion.

strict confidentiality of your answers

General

0-8. Sheet number: /// /

0-9. Survey date: ///

0-10. Department:.....

0-11. Common:.....

0-12. Town:.....

0-13. Name of the researcher.....

0-14. Controller Name.....

I. Identity of the defendant

55. Name and surname of the Defendant.....

56. Sex.....

57. Defendant's Education Level / Primary / Secondary / Higher

58. Literacy: Yes / No /

59. Contacts: Tel..... Email:.....

60. Function.....

61. How many years have you lived in this community? Years of age

EVALUATION OF THE FUNCTIONING OF THE CONCILIATION COURT OF

WHO ARE MEMBERS.....

Please tick the relevant boxes:

Evaluate the importance you place on the **following dimensions**

1. General benefits

	It's not important	No is important	Importance average	Very important	important	To answer
1.1 Coordination in the establishment of audiences	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
1.2 Access to the information	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
1.3 Communication between others members of the Court of Conciliation	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
1.4 Clarity of the responsibilities administrative and	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

organization						

2. User relations						
	It's not important	No is important	Importance average	Very important	important	To answer
2.1 Courtesy and attitude of the users	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
2.2 Courtesy and attitude of others actors in it court of conciliation	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
2.3 Competition professional of the stakeholders	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
2.4 Ease of access and availability of other members	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

2.5 The speed of the answers to the applications	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
2.6 Quality and reliability of the answers	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
2.7 The ease of consultation of the files	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
2.8 Clarity of responsibility and organization	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
2.9 Costs and fees access	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

3. Prepare and conduct hearings

	It's not important	No is important	Importance average	Very important	important	To answer
3.1 Conditions of maintenance of	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

customer						
3.2 Design of the courtroom	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
3.3 Punctuality of the hearings	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
3.4 The organization and driving the hearings	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

4. Decisions of the members of the Conciliation Tribunal						
	It's not important	No is important	Importance average	Very important	important	To answer
4.1 Clarity and understanding of the trials	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
4.2 Speed in the case management	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
4.3 Facilitate the execution of the decisions	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

Evaluate your level of satisfaction with respect to the **following dimensions**

5. General benefits

	No satisfied	Unse satisfied	Satisfaction average	Very satisfied	satisfied	To answer
5.1 Coordination in the establishment of audiences	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
5.2 Access to the jurisprudence of the jurisdictions	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
5.3 Communication among the members	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
5.4 Clarity of the responsibilities administrative and organization	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

6. User relations

	No satisfied	Unse satisfied	Satisfaction average	Very satisfied	satisfied	To answer
6.1 Courtesy and	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

attitude of the members						
6.2 Courtesy and attitude of others actors	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
6.3 Competition professional of the members of the court conciliation	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
6.4 Competition professional of others actors	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
6.5 Ease of access and availability of the members of the court conciliation	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
6.6 The ease of access and availability of others players	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
6.7 The speed of the answers to the	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

applications						
6.8 Quality and reliability of the answers	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
6.9 Ease the consultation of the files	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
6.10 Clarity of responsibility and organization	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
6.11 Costs and fees access	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

7. Preparation and holding of hearings

	No satisfied	Unse satisfied	Satisfaction average	Very satisfied	satisfied	To answer
7.1 Conditions of maintenance of the customer	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
7.2 Room Design of audiences	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

7.3 Punctuality of the audiences	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
7.4 The organization and the realization of audiences	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

8. Decisions

	No satisfied	Unse satisfied	Satisfaction average	Very satisfied	satisfied	To answer
8.1 Clarity and understanding of the trials	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.2 Speed in the case management	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.3 Ease the execution of the decisions	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

[Optional questions:]

9. In general, how do you evaluate the functioning of the conciliation tribunal of which you are member?

Too much opaque	Opaque	Clear	Very light
☐ 1	☐ 2	☐ 3	☐ 4

10. How do you rate the impartiality of the members of the conciliation tribunal in the development of the procedure?

It's not in absolute impartial	Impartial	Quite impartial	Completely impartial
☐ 1	☐ 2	☐ 3	☐ 4

11. How do you rate your independence in handling cases?

Not at all independent	It's not very independent	Quite independent	Completely independent
☐ 1	☐ 2	☐ 3	☐ 4

12. How do you think the conciliation tribunal has evolved in the last five years?

It has deteriorated considerably	Deteriorated	No ha changed	Improved	Ha improved considerably
☐ 1	☐ 2	☐ 3	☐ 4	☐ 5

13. During the same period (5 years), do you estimate the evolution of the workload that is carrying out?

☐ 1. The workload has increased faster than average

☐ 2 The workload has increased in proportion to the average

☐ 2. Media resources have increased faster than the workload.

14. In your opinion, are the necessary resources available for the conciliation tribunal?

Very inappropriate	Insufficient	Enough	To a large extent enough
☐ 1	☐ 2	☐ 3	☐ 4

15. In your opinion, are the means available to the conciliation tribunal?

hiring?

Very inappropriate	Insufficient	Enough	To a large extent enough
☐ 1	☐ 2	☐ 3	☐ 4

Policy

16. How many years have you been a member of the conciliation tribunal?

☐ 1 Less than 5

☐ 2 5-10 years

☐ 2 11-20 years

☐ 2 Over 20 years old

17. How does your business operate?

☐ 1 Only

☐ 2 Group (company)

18. Kind

☐ 1 Man

☐ 2 Women

19. Age

☐ 1 under 30 years old

☐ 2 31-50 years

☐ 2 51-65 years

☐ 2 66 and more

20. Do you have any comments or suggestions regarding the operation of the conciliation tribunal of which he is a member?

.....

.....

.....

Thank you for your valuable contribution.

QUESTION FOR USERS OF CONCILIATION *COURTS ,*

Your comments and suggestions are important, and we thank you for taking the time to

Please answer the following questions. The questionnaire is anonymous and we guarantee the utmost discretion.

strict confidentiality of your answers

General

0-15. Sheet number: /// /

0-16. Survey date: ///

0-17. Department:.....

0-18. Common:.....

0-19. Town:.....

0-20. Name of the researcher.....

0-21. Controller Name.....

0. Identity of the Defendant

62. Name and surname of the Defendant.....

63. Sex.....

64. Defendant's Education Level / Primary / Secondary / Higher

65. Literacy: Yes / No /

66. Contacts: Tel..... Email:.....

67. Function.....

68. How many years have you lived in this community? Years of age

I. Please tick the relevant boxes:

1. In what capacity were you present at the conciliation court in your area?

☐ 1 One of the parties in the trial

☐ 2 As a witness

☐ 3 As a member of the jury

☐ 4 Others (e.g., family of one of the parties, information seeker, visitor, etc.)

2. What type of procedure refers to the case for which you went to the conciliation court?

in your area?

☐ 1 Civil Procedure

☐ 2. Administrative Procedure

☐ 3. Commercial Procedure

☐ 4 Labor Law

☐ 5 Criminal Procedure

☐ 6 Other (minors, guardianship, pensions, registration, etc.); specify: .....

☐ 7 Don't Know

[optional question]

4. How much confidence do you have in the justice provided at the conciliation court level in your area?

Very trust low	Low trust Trust	average	High trust. Very high	trust. high
☐ 1	☐ 2	☐ 3	☐ 4	☐ 5

5. If you were one of the parties in the trial, and a decision was made, does the court agree?

of conciliation in part or in full?

☐ 1 Yes, completely

☐ 2 Yes, partly

☐ 3 no

☐ 4 was not a party to the trial

6. Were the hearings conducted in your native language?

☐ 1 yes (skip to question 8)

☐ 2 no

7. If the hearing did not take place in your native language, did you have an interpreter?

☐ 1 yes

☐ 2 no

7a. Was the fact that the debates were conducted in the language ..... a

Is this a handicap for you?

☐ 1 yes

☐ 2 no

8. Evaluate the importance that should be given to the following dimensions:

	It's not important	No is important	Importance average	Very important	important	To answer
8.1 The conditions of access to the court of conciliation in its area	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.2 Signaling inside of the court premises conciliation	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.3 Conditions of wait in the	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

facilities of the court of conciliation						
8.4 Design of the courtroom	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.5 Clarity of the citations	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.6 The delay between the citation and the audience	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.7 Punctuality of the hearings	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.8 Courtesy and staff attitude of the court of conciliation	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.9 Competition of the staff of court of conciliation	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.10 Courtesy and	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

attitude of others actors in it court of conciliation						
8.11 Language used by the staff of the court of conciliation	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.12 It's time to introduce their arguments in the audience	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.13 The deadline in the that are dictated judgments	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.14 The clarity of the sentences	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

[Optional dimensions:]

8.15 Information provided	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

by the intelligence service of the Conciliation Court		

9. Evaluate your level of satisfaction with the following dimensions

	It's not important	No is important	Importance average	Very important	important	To answer
8.1 The conditions of access to the court of conciliation in its area	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.2 Signaling inside of the court premises conciliation	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.3 Conditions of wait in the facilities of the court of conciliation	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.4 Design of the	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

courtroom						
8.5 Clarity of the citations	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.6 The delay between the citation and the audience	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.7 Punctuality of the hearings	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.8 Courtesy and staff attitude of the court of conciliation	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.9 Competition of the staff of court of conciliation	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.10 Courtesy and attitude of others actors in it court of conciliation	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

8.11 Language used by the staff of the court of conciliation	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.12 It's time to introduce their arguments in the audience	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.13 The deadline in the that are dictated judgments	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
8.14 The clarity of the sentences	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

[Optional dimensions:]

9.15 Information provided by the intelligence service of the court	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

[Optional questions:]

10. In general, how do you rate the functioning of the courts?

Too much opaque	Opaque	Clear	Very light
☐ 1	☐ 2	☐ 3	☐ 4

11. How do you rate the impartiality of the members of the conciliation tribunal in carrying out

Are there any debates taking place in your area?

It's not in absolute impartial	Impartial	Quite impartial	Completely impartial
☐ 1	☐ 2	☐ 3	☐ 4

12. How do you assess the speed at which this case has been processed at the court level?

conciliation in your area?

Too much slow	Spring	Normal	fast	Very fast
☐ 1	☐ 2	☐ 3	☐ 4	☐ 5

13. How to estimate the costs of accessing the judicial conciliation service in your area?

Very high costs low	Low costs	Average costs High costs		Very high costs high
☐ 1	☐ 2	☐ 3	☐ 4	☐ 5

14. Based on your experience, how do you assess the resources available to the courts?

Very inappropriate	Insufficient	Enough	To a large extent enough
☐ 1	☐ 2	☐ 3	☐ 4

15. In general, how do you rate the possibility of knowing your rights?

Very difficult	Quite difficult	Quite easy	Very easy
☐ 1	☐ 2	☐ 3	☐ 4

II. Personal Data

16. Have you used legal protection insurance?

☐ 1 yes

☐ 2 no

17. Have you benefited from legal assistance?

☐ 1 yes

☐ 2 no

18. Have you ever been in contact with a court other than the conciliation board?

☐ 1. Yes; that.....

☐ 2 no

19. Kind

☐ 1 Man

☐ 2 Women

20. Age

☐ 1 18-30 years

☐ 2 31-50 years

☐ 2 51-65 years

☐ 2 66 and more

21. Do you have any comments or suggestions regarding the operation of the

Is there a conciliation court in your area?

.....

.....

.....

Thank you for your valuable contribution.

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Organization

Judicial branch of Benin

Law No. 2001-37 of August 27 2002

[NB - Law No. 2001-37 of August 27, 2002, which brings the judicial organization to the Republic of Benin

Amended by Law No. 2016-15 of July 28, 2016]

2) Title 1 - General provisions

***Art. 1 The** mission of the judiciary is to guarantee strict, rigorous and equal application of laws and regulations in litigation and pardon decisions.*

***Art.2. .** The judicial branch is independent of the legislative and executive branches.*

It is exercised by the Supreme Court, the Courts and Tribunals created in accordance with the Constitution.

Art. 3. *Justice is done in the name of the people of Benin.*

Judges are subject to the exercise of their functions only in the upper part of the law.

The judge must not be subject to any pressure of any kind in the performance of his duties.

functions. Any interference in the judgment of cases pending before a court

It is prohibited.

Violations of these provisions are punishable by imprisonment of six to twelve months and one a fine of fifty thousand (50,000) to five hundred (500,000) FCFA or one of these two penalties only.

Article 4. *Magistrates are appointed by decree in the Council of Ministers following the procedure determined by the provisions of its statute.*

Art. 5. *The magistrates of the seat are removable and, therefore, cannot be transferred from their positions, even for promotion only with their consent.*

Art. 6 . . *In the Republic of Benin, justice is free under the sole reservations of*

legal and regulatory provisions relating to statutory fees, stamp duties

and registration fees.

The State guarantees the effectiveness of free justice.

Art.7. . *Only a legally constituted court can administer justice.*

Art. 8 . *The Supreme Court, the courts, and the tribunals receive an amplifier of all*

the decrees, orders, decisions and circulars of a regulatory nature adopted by the

governmental and administrative authorities of their respective jurisdictions.

Citizens *of Benin are equal before the law. Before the courts, they have the same rights.*

guarantees for their defense.

Art.10 . .The *Parties and witnesses who do not speak the language in which the proceedings are conducted*

procedure they have the right to use the national language of their choice, assisted by a

duly sworn interpreter.

Art.11 . (Law 2016-15) Justice is carried out by the courts of first instance

instance, the courts of appeal, the courts of asizes and the Supreme Court.

The Court of Appeal has jurisdiction over criminal, civil, and social matters.

administrative and accounting.

The Supreme Court, the Courts of Appeal, and the Courts of First Instance

They include a seat and a prosecutor's office.

Also There are conciliation tribunals responsible for reconciling the parties.

Commercial courts are created by decree of the Minister in charge of Justice.

Art. 12. *(Law 2016-15) The courts and, in each jurisdiction, the members that the*

When they move through the body, they are found in the following order:

SUPREME COURT:

The president - the presidents - the advisors , the attorney general near the Supreme Court, the attorneys general, the auditors, the principal secretary - the secretaries.

COURT OF APPEALS:

The president - the presidents - the advisors , the attorney general near the court of appeal, the attorneys general, the substitute auditors general, the secretary principal, the secretaries.

COURT OF APPEALS:

The President - the Speakers of the Houses - the Consular Advisors, the Secretary

Mainly, the secretaries.

COURT OF FIRST INSTANCE:

The president of the court -the vice-presidents- the investigating judges, the judges, the

Attorney General, the substitutes, the auditors, the principal secretary, the secretaries.

COMMERCIAL COURT:

The president - the vice presidents - the judges - the consular judges, the

auditors, the principal secretaries.

CONCILIATION COURT:

The sitting president - the acting president - the sitting advisors, the evaluators

substitutes - the secretary.

Art.13. . *(Law 2016-15) When the courts do not walk in an organ, the rank*

The individual conduct of members of the judiciary is governed as follows:

The Chief Justice of the Supreme Court - the Attorney General close to the Supreme Court - the

Chief Justices - Supreme Court advisors - lawyers, the

lawyers, the Supreme Court prosecutor's office, the first presidents of the courts of

appellators, the attorneys general, the courts of appellators, the presidents of the

appellate court chambers, appellants' courts, substitutes for the

appellants - the first presidents of the commercial appellate courts - the

Presidents of the chambers of the courts of appeal, the advisors, the consular advisors,

the presidents of the courts of first instance, the presidents of the courts

commercial , the prosecutors of the Republic, the vice-presidents of the first courts

instance, the judges of the courts, the judges of the court, the judges of the court, the

Crown Prosecutors - auditors - the Principal Registrar of the Supreme Court, the Chief Clerks of the Courts of Appeal, the Chief Clerks of the Courts of Appeal, the Chief Clerks of the Courts of First Instance, the Chief Secretaries of the Commercial Courts, the Secretaries of the Courts Trade, Secretaries and Court Assistants.

Art. 14. *Magistrates with equal qualifications are ranked among themselves in each rank according to agreement with the date and order of their appointment in the rank, and, if they have attained the rank in the same day, for different acts, according to their age in the body or to defecate according age.*

Art.15- *Civil honors are received by members of the courts of power judicial under the conditions established by the regulation of public ceremonies, the precedence, civil and military honors.*

Art.16 .. *The Hearings in any jurisdiction are public unless otherwise specified advertising that is dangerous to public order or morals or prohibited by law.*

In this case, the courts concerned order the chamber by prior decision.

In All cases, judgments, and sentences are made publicly and must to be justified, barely annulled unless otherwise indicated.

The monitoring of the hearings is carried out in accordance with the legislation and the current regulations.

Art. 17 *The duration and date of judicial holidays are set by order of the First presidents of the appellate courts. They must to be in the The period runs from August 1st to October 15th each year. The Seal Guard is notified. Attorney general.*

It takes place during the judicial holidays of the so-called holiday hearings.

The purpose of these hearings is solely to expedite police cases, the cases correctional facilities involved in inmate and civil, commercial, and social cases that They require speed.

The deliberation of the general board of the court or the appeals court that sets the holiday hearings are drafted by the Chief Secretary in the register of deliberations and the dispatch is sent within eight days to the Keep of the Seal, Minister of Justice. It is also made public by displaying it on the door of the courts and publishing it in the press.

Art. 18 *Judicial re-entry is marked by a solemn ceremony at the level of each Court of Appeal.*

The ordinances of the first presidents of the appellate courts regulate the Organization of this ceremony. The Seal Guard and the Minister of Justice are hereby notified.

Art. 19. *In all matters, the required formula is as follows:*

"Consequently, the Republic of Benin entrusts itself and orders all marshals or legally authorized agents regarding this requirement to carry carry out that sentence or judgment, to the Attorney General near the Court of Appeals, to Public prosecutor near the court of first instance, that they shake hands there, to all police commanders and officers who lend a hand when needed require."

"In witness whereof this judgment or (judgment) was signed by...".

The composition, organization, responsibilities and functioning of the Court ***Art. 20 .***

Supreme Courts are established by a special law.

3) Title 2 - Conciliation Courts

Art. 21 - *The municipality establishes a conciliation tribunal in municipalities with status special.*

A conciliation tribunal is established for each of the other municipalities.

Art.22 *The Design Tribunal is composed of a president and two advisors.*

The president is appointed for two years by the Seal Guard, Minister in charge of the justice at the proposal of the president of the court of first instance after the opinion

The mayor's advisory board includes notables, retired officials, or citizens who know reading and writing to the French who reside at the headquarters of the conciliation court and play with good morals and the trust of the population.

The advisors are appointed for two years by order of the president of the first court instance on a list of twelve people of good character drawn up by the mayor.

The President of the Conciliation Court and his advisors they will be able, in any moment, to be removed from office by the Seal Guard, Minister of Justice, at the request of the President of the Court of First Instance. The latter may also do any comments you consider useful for the proper functioning of the court conciliation.

An alternate chairperson and two alternate evaluators are appointed in the same procedure, respectively.

Art. 23 - *The presidents and evaluators of the conciliation tribunals receive the compensation set by decree in the Council of Ministers on the joint position of The Seal Guard, Minister of Justice, and Minister of Finance.*

The hearings of the conciliation courts are scheduled according to a table drawn up each year by the president of the court of first instance upon the proposal of the presidents of those courts. You may *There should be fewer than two hearings per month. The team and the*

The operation of these courts is provided by the Ministry of Justice.

They're in their budget.

The *secretariat of the conciliation courts is provided by an official public official or civil servant serving in the locality where they sit and are appointed by the mayor.*

He was removed from office by the mayor at the request of the district court president.

Finally, you can also make any comments you consider useful for the good functioning of the conciliation court.

Before assuming office, the secretaries of the conciliation courts take the oath of the secretaries.

Art. 26 - *The conciliation tribunals have jurisdiction over all matters, except those exceptions provided for by law, including civil, criminal and individual disputes and the status of persons.*

They continue to exercise their authority over the status of individuals while awaiting the vote. the appropriate texts.

However, referral to the conciliation court is optional.

Art. 27 .. *The procedure followed before the conciliation courts with respect to the The investigation of the case is currently before the traditional law chamber of the court of first instance instance.*

In the event of a on-site investigation or fair field hearings, the Ministry of Justice provides the necessary material resources.

Art. 28. . . *In addition to the parties and their witnesses, the conciliation tribunal may hear anyone with proven knowledge of the customs of the parties.*

Art. 29. *In the event of failure by one of the parties or failure of the attempt at conciliation, the The president, assisted by the secretary, prepares a record containing all the statements. received and the actions taken. The original is kept at the court headquarters. The copy certified in accordance with the president, it is forwarded with the file to the court of first instance that immediately seizes the controversy and then proceeds in the forms provided for in article 55 of this Law.*

Art. 30. . *If there is a full or partial conciliation, the president of the conciliation tribunal Assisted by the secretary, he prepares the minutes of the agreement. These minutes are read and translates for the parties, and then signed by them if they can, otherwise a note is made.*

Art. 31 *The original and supporting documents are sent immediately to the court of first instance for his will. The court orders the personal appearance of the*

parts. In the case of a will, the original and the exhibits are returned to the court of Conciliation with the will. The original is kept in the clerk's office. Copies are provided. to the parties. A copy is provided to the prosecutor.

The conciliation agreements then have the enforceability of a judgment issued in force of a judgment rendered.

***Art. 32. .** If the procedure is denied in a reasoned denial of the will, It stems from Article 29. In all cases, the decision regarding succession or denial of The will must be made within two months of receiving the file by the court of first instance.*

Art. 33. *- In the event that the conciliation is accompanied by provisions contrary to the public order, the prosecutor may interfere in the interest of the law against the sentence testamentary within the free period of 30 days before the Supreme Court.*

The cancellation will apply to everyone.

Art. 34 The *conciliation tribunal is under the authority of the Keeper of the Seals, Minister of Justice. It is controlled by the president of the court of first instance.*

It is inspected periodically, including at court hearings, and a report must be submitted report to the President of the Court.

Art. 35 . *The clerk holds a record at the headquarters of the conciliation court.*

hearings listed and signed by the president of the court of first instance.

It is subject to semiannual supervision and approval by the President of the District Court and of the Attorney General.

4) Title 3 - Commercial Courts and Tribunals of First Instance

Art.36. (Law 2016-15) 1) A first-class district court is created in the capital of

Each commune has a special statute with the following territorial jurisdictions:

- *The Cotonou First Class District Court, with territorial jurisdiction of the commune of Cotonou;*
- *First Class District Court of Porto-Novo with territorial jurisdiction of the municipalities of Porto-Novo, Sámá-Kpodji and Aguégués;*
- *Parakou First Class District Court, with jurisdiction territorial of the municipalities of Parakou and Tchaourou;*

The following first-class courts are also created:

- *Court of First Instance of the 2nd Class of Ouidah with jurisdiction territorial, the municipalities of Ouidah, Tori Bossito and Kpomass;*
- *1st instance 2nd class court of Abomey-Calavi with territorial jurisdiction, the municipalities of Abomey-Calavi and S-Ava;*
- *Court of First Instance of the 2nd Class of Allada with territorial jurisdiction, the municipalities of Allada, Toffo and Za;*
- *Court of First Instance of the 2nd Class of Adjohoun with territorial jurisdiction, the municipalities of Adjohoun, Dangbo and Bonou;*
- *1st instance 2nd class court of Avrankou with jurisdiction territorial, the municipalities of Avrankou, Akpro-Missérété and Adjarra;*
- *1st instance of the 2nd class court of Pobo with territorial jurisdiction, the municipalities of Pobo, Ketou and Adja-Ousro;*
- *1st instance of the 2nd class court of Sakété with territorial jurisdiction, the municipalities of Sake and Ifangni;*

- *1st instance 2nd class court of Com- with territorial jurisdiction, the municipalities of Comá, Grand-Popo and Bopa;*
- *1st instance 2nd class court of Aplahoué with territorial jurisdiction of the municipalities of Aplahoué, Klouékanmá and Djakotomey;*
- *1st instance court of 2nd class Lokossa with territorial jurisdiction of the municipalities of Lokossa, Athiémé and Houéyogbé;*
- *1st Court of 2nd Class Dogbo with territorial jurisdiction of the municipalities of Dogbo, Lalo and Toviklin;*
- *Court of First Instance of the 2nd class of Abomey with territorial jurisdiction, the municipalities of Abomey, Djidja and Agbangnizoun;*
- *Bohicon Court of First Instance, Second Class, with territorial jurisdiction, the municipalities of Bohicon, Zogbodomey and Za-Kpota;*
- *Court of First Instance of the 2nd class of Cová with territorial jurisdiction, the municipalities of Cová, Zagnanado and Ouinhi;*
- *1st instance Savalou 2nd class court with territorial jurisdiction, the municipalities of Savalou and Bant;*
- *1st instance of the 2nd class court of Dassa-Zoumá with the territorial jurisdiction of the municipalities of Dassa-Zoumá and Glazoué;*
- *1st instance 2nd class court of Savá with territorial jurisdiction, the municipalities of Savá and Ouess;*
- *The Nikki Second Class Court, with territorial jurisdiction over Nikki, Kalalé and Pero;*

- *1st instance, 2nd class court of Bem b'rák, with territorial jurisdiction, the municipalities of Bembserk, Sinendé and N'Dali;*
- *Kandi Court of First Instance, Second Class, with territorial jurisdiction, the municipalities of Kandi, Banikoara, Gogounou and Segbana;*
- *Malanville 1st 2nd class court with territorial jurisdiction over the municipalities of Malanville and Karimama;*
- *1st instance 2nd class court of Djougou with territorial jurisdiction of the municipalities of Djougou, Bassila, Copargo and Ouaké;*
- *1st instance 2nd class court of Natitingou with territorial jurisdiction of the municipalities of Natitingou, Toukountouna and Boukoumbé;*
- *Court of First Instance of the 2nd Class of Kouandé with territorial jurisdiction, the municipalities of Kouandé, Ouassa-Péhunco and Kérou;*
- *Court of First Instance of the 2nd Class of Tanguiéta with the territorial spring, the municipalities of Tanguiéta, Cobly and Matéri.*

2) The following commercial courts are created:

The Commercial Court of Cotonú, with the territorial jurisdiction of the coastal, Atlantic, Ouémé and plateau departments;

The Commercial Court of Abomey, with the departments of Zou, Hills, Mono and Couffo such as their territorial responsibility;

He Commercial Court of Parakou, with the departments of Borgou, Alibori, Atacora and Donga as their territorial responsibility.

Art. 37. . *(Law 2016-15) The courts of appeal proceed to the installation of courts of first instance after the requisition by the Crown.*

The first president of the Commercial Court of Appeals proceeded to create the Court of Trade at the request of the Public Prosecutor's Office.

Art.38(Law *2016-15) 1) The courts of first instance include a president, vice president, an investigating judge or judges, judges, a public prosecutor, substitutes, a principal secretary and secretaries.*

Trade committees include a chairperson, one or more vice-chairpersons, magistrates, consular judges, a principal secretary and secretaries.

2) The president and vice-presidents of the Commercial Court are selected from the magistrates of terminal rank on a list of qualifications and appointed by decree of in accordance with the statute of the judiciary.

The list of skills in the previous paragraph is drawn up by the Minister in charge of the justice after a call for a call.

Special rights are established in the Council of Ministers related to the exercise of the function of a professional magistrate.

3) Each commercial court has at least one chamber presided over by the president. When several They are all presided over by the president and vice-presidents.

4) The court or chamber of the Commercial Court is composed of judges in numbers odd. The number of professional judges cannot exceed the number of judges consular.

Consular judges are appointed by order of the Minister in charge of justice, in a List of candidates eligible for the positions of consular judges and consular judges

alternates, established by the consular chambers and the national representative organization from the employers and that contains as many names as there are judges to be appointed.

5) Full and alternate consular judges must:

- *To be of Beninese nationality;*
- *Be at least 30 years old*
- *to be of good character and enjoy one's civil rights;*
- *not having been sentenced to an afflictive and infamous punishment, a final prison sentence or a suspended prison sentence of more than three years for a crime, nor have they been convicted of fraud, breach of trust, abuse of company property, counterfeiting or use of counterfeit goods, bankruptcy;*
- *They have not been convicted of tax or social crimes.*

Consular judges who are subject to one of the above convictions or who lose their Civil rights are stripped of their mandate.

Full and alternate consular judges must:

- *not having been subject to a collective procedure to settle liabilities;*
- *not having held responsible positions in a company or a public company that has been the subject of a collective liability compensation procedure;*
- *Justify the record of the last five years at least in the area of credit commercial and furniture, or the exercise, for a total accumulated duration of five years, of an executive role that involves management responsibilities commercial, technical or administrative of a company registered in a Registry of Movable Property of Commerce and Credit (RCCM) of the establishment of said company; or a professional or interprofessional organization in industry, commerce or any economic activity;*
- *justify their status as spouses of the aforementioned persons that have declared before the Registry of Commerce and Credit Furniture that they collaborate in the activity of his spouse without any other professional activity.*

6) In a commercial court, the term of office of a consular judge is three years, renewable once.

Run away of the date of swearing.

7) Any person who has been removed from their duties as a consular judge no longer may be appointed to this position.

Consular judges appointed for two successive terms in the same commercial court They are no longer eligible for three years in that court.

8) A consular judge of a commercial court cannot simultaneously be a consular judge from another commercial court.

9) The functions of the Public Prosecutor of the Republic in which the Commercial Court is located are the responsibility of the public prosecutor near the court of first instance in which is established the headquarters of the Commercial Court, or by the prosecutor appointed by him.

Art. 39. . *(Law 2016-15) The presiding judge is the head of the court. As such, he:*

- *presides over all hearings of his choosing;*
- *establishes the role of the presiding judges;*
- *distributes the business and oversees the role;*
- *provides for the substitution of a judge who is unable to attend the hearing;*
- *It is the court's budgetary order;*
- *controls the operation of the judicial registry.*

Furthermore, with the agreement of the Public Prosecutor's Office:

- *convenes the general assembly of the court;*
- *oversees court discipline*
- *establishes the internal rules of the court;*

• *Ensures the functioning of the court's statistical service;*

• *establishes an annual report, has adopted it at the general meeting of the court and addresses it to the president of the appeals court.*

The president of the Commercial Court has the same prerogatives as the President of the Court of first instance.

As such, at the end of each quarter, he prepared a report that he sent to the President of the Court of Appeal, the Minister in charge of justice and the National Authority responsible for the supervision and evaluation of commercial courts.

Art.40 . *· · Investigating judges, juvenile judges, and social judges are judges of the seat and, as such, perform all the functions that the president of the court considers them useful to entrust to them.*

Art. 41. . *(Law 2016-15) the courts of first instance may meet in hearings ordinary, solemn hearings, general meetings and council chambers.*

Commercial courts may meet in ordinary hearings, formal hearings, general meetings and boardrooms.

Art.42. (Law 2016-15) 1) In ordinary hearings, the court of The first instance is seated in a collegial formation composed of a president and two judges, a public prosecutor and a secretary.

However, if the numerical staff of the court judges does not allow it, this The court may sit in a single formation.

2) In a regular hearing, the Commercial Court sits in a collegial formation composed of a president and two consular judges, evaluators, assisted by a Secretary. The presence of the Crown representative at the audience is optional.

In case of a decision, the president of the court decides by order to form a formation composed of two magistrates and three consular judges, assisted by a secretary.

3) *If a consular judge is prevented from attending the hearing, the President of the Court of Commerce appeals the vacancy by order of appointment of the most senior available judge among the consular judges of the Commercial Court.*

When, in the absence of an available consular judge in the Commercial Court, the court of Commerce cannot sit down, the Commercial Court of Appeal, seized at request

The President of the Commercial Court appoints one or more consular judges from a list suitability for the duties of the incumbent consular judges and alternate consular judges covered by Article 38.4 of this Law, in the order in which these judges are on that list.

4) In case of prevention or momentary absence, the president is replaced by the most senior chamber president present, if the Commercial Court includes several cameras.

In the absence of an available chamber president or if the Commercial Court consists of a single room, the President of the Commercial Court of Appeals in which the The Commercial Court appoints by order a professional magistrate who meets the conditions of article 38.2 of this Law.

In a solemn hearing, the court, composed of all the magistrates of the seat and The magistrates of the prosecution present meet on the occasion of the judicial re-entry and for the installation of new magistrates.

Art.44. *(Law 2016-15) In a general assembly, the court of first instance composed of all the judges of the seat, the judges of the Public Prosecutor's Office and The principal secretary present deliberates in particular on internal regulations, the date of vacancy hearings and special hearings.*

At the general meeting, the Commercial Court, composed of all the magistrates and Consular judges, representatives of the Public Prosecutor's Office, and the Principal Secretary were present, deliberates in particular on the internal regulations, the date and number of hearings of holidays and special hearings.

The Crown may place on the agenda of the General Assembly, in the judicial register, any requisition for the purpose of a decision relating to internal service or any other object related to the public interest.

Art.45 .*(Law 2016-15) The court of first instance and the commercial court They will pronounce in the council chamber on matters provided for by law.*

Art.46. *(Law 2016-15) The days, places and times of ordinary and special hearings of Courts of first instance and commercial courts are established in general assembly and They are communicated to the first president of the Court of Appeal and to the Court of Appeal of Trade, to the Minister in charge of justice, to the denial of the Bar Association and to the President of the National Chamber of Officers.*

Art.47. *(Law 2016-15) The court of first instance may hold hearings impartial in localities within their jurisdiction, following a table prepared by the President of the Court of Appeal, upon the proposal of the presidents of the courts and prior to the dismissal of the charges by the Attorney General.*

The Commercial Court may hold court hearings in locations within its jurisdiction. jurisdiction, following a table drawn up by the President of the Appeal Court of Commerce, at the proposal of the President of the Court and after the advice of the Prosecutor General.

The presence of the Crown at fairground hearings is only mandatory in certain cases penalties.

Art.48 The judgments handed down in the court of justice are transcribed in a special register and contain, in addition to the ordinary declarations, the summary of the conclusions of the parties, the statements of the accused or offenders, and the testimony of The witnesses. Also They indicate the name of the officer to whom it was assigned to give notice for him to appear, the deadline set by the judge for the appearance and the place where the hearing was held.

Art. 49 . . (Law 2016-15) The courts of first instance are ordinary judges in criminal, civil, social and administrative matters.

The judge can rule on mixed matters, both civil and commercial.

Art. 50. In criminal matters, they are aware of all classified crimes. crimes of crimes, regardless of the penalties suffered, except for the exceptions provided for by law.

***Art.51(Law** 2016-15) 1) In civil cases, the courts of first instance have jurisdiction in Ultimately, personal and securities shares up to the value of two hundred thousand (200,000) FCFA principal and fifty thousand (50,000) FCFA annual rent calculated in annuality. They decide in the first instance in all other cases, on appeal before the Court of Appeal.*

The Commercial Courts declare themselves first and last on all applications whose Interest in the litigation is less than five million (5,000,000) FCFA in principle. They decide first when the amount in dispute exceeds five million (5,000,000) FCFA in principal or is indeterminate, on appeal before the Court of Commercial Appeal.

2) Commercial courts know, without this list being exhaustive, the following:

- *Disputes relating to merchants and commercial intermediaries for acts carried out on occasion or for the purposes of their operations and related disputes to their business relationships;*
- *litigation relating to commercial enterprises and the grouping of economic interests;*
- *disputes relating to commercial transactions between any natural or legal person;*
- *Security challenges granted to ensure compliance with obligations commercials;*
- *Disputes over commercial leases;*
- *competition, distribution, industrial property, disputes regarding falsification;*
- *Accounting operations;*
- *collective procedures;*
- *Acquisition offers and deeds from financial markets;*

- *consumer disputes and consumer protection, and in*

In general, the application of commercial laws, regardless of the nature of

the affected people.

Also before the courts that rule on the matter as a special case:

- *Disputes concerning maritime shipments, chartering, insurance and other contracts*

related to maritime trade or inland maritime transport;

- *air litigation, charter flights, insurance and other travel-related contracts*

air travel and aircraft rental.

Maritime disputes are covered by Law No. 2010-11 of March 4, 2011

relating to the Maritime Code of the Republic of Benin, while air disputes are

included in Law No. 2013-08, of August 29, 2013, on the Aviation Code

Civil and Commercial Code of the Republic of Benin and the international conventions ratified by the

Republic of Benin.

However, the parties may, pursuant to the Uniform Arbitration Act in

Under the OHADA Treaty, agree to submit to arbitration any disputes.

presented in the preceding paragraphs.

The clause granting jurisdiction to the Commercial Court is troubling for the

defendant not merchant.

In principle, The territorial jurisdiction clause is considered null and void.

However, it is valid if it has been agreed between people who have all been hired as

merchant and if it has been very apparently specified in the commitment of the party to which

He opposes it.

3) The commercial procedure is that provided for by the Code of Civil and Commercial Procedure,

4) When a commercial court is created or when the jurisdiction of a court is modified commercial as a result of the re-limitation of the districts of the Commercial Court, the The competent court that previously seized the property remains competent to rule. regarding proceedings filed before the date of creation of the court or the modification of jurisdiction.

Art. 52 .. *In social matters, the courts of first instance are aware of all the actions arising from the application of the Labor Code and social laws existing, subject to appeal to the Court of Appeal.*

Art. 53. *In administrative matters, they have first jurisdiction over the procedures of all the acts emanating from the administrative authorities within their competence.*

He result of this litigation is:

1) Appeals for annulment due to the excessive power of the authorities' decisions administrative;

2) appeals for the interpretation of the actions of the same authorities in the expulsion of the judicial authorities;

3) Full litigation involving a public legal entity, except for the exceptions provided for by law;

4) Individual claims for damages caused by the personal acts of the concessionaires and administration managers;

5) tax litigation.

***Art. 54 The** administrative procedure is that provided for by the Code of Civil Procedure, Commercial, Social and Administrative.*

***Art. 55 . .** The courts of first instance that rule on the law Traditionally, they are signed with one or two evaluations in the capacity of advisors under the conditions established in current legislation.*

The attempt at conciliation is always optional; when has not taken place, the judge In all cases, it may refer the parties to the conciliation tribunal for their proceedings.

Furthermore, the judge may, in any case, attempt to reconcile the parties.

***Art. 56. .** The courts of first instance in labor jurisprudence are accompanied by two evaluators under the conditions established in the Labor Code and in the texts later.*

However, when they cannot be constituted in accordance with the provisions of Labor Code due to the lack of people who can be on the lists of the code audit, they will sit without evaluators.

In all matters, the Secretary takes note of the hearing, the incidents, and the procedures of the parties. Finally, prepares the minutes referred to in president of the party.

***Art.58(Law** 2016-15) 1) The President of the Court of Appeal and the President of the Court of Commerce, the Attorney General near those courts or his delegates carry out the semi-annual inspection of the courts of first instance and the commercial courts. Each of them guarantees the proper administration of judicial services and the dispatch This is normal in these cases. They inform the Minister in charge of justice about the conclusions. that they have done and possibly propose any measure they consider useful.*

2) A National Authority for the Monitoring and Evaluation of Courts is established and Commercial Courts of Appeal with the Minister in charge of justice.

Continuously monitors and evaluates the organization, operation, and activity of Commercial courts and appellate courts, training and ethics of the consular judges of the commercial courts and the consular advisors of the commercial appellate courts.

Formulate proposals in the same areas as necessary.

At the request of the presidents of the commercial appeals courts or On his own initiative, he makes informational visits to the courts and courts of appeal. of commercial appeals.

It reports on its activities in an annual report submitted to the Minister in charge of justice.

3) The National Authority guarantees the discipline of judges and consular advisors in the conditions established by the decree on the status of judges and consular advisors.

The National Authority refers the matter to the Minister in charge of justice or to the Inspection of Judicial Services in case of non-compliance by judges and clerks professionals to the functions of their position.

4) The National Authority for the Monitoring and Evaluation of Courts and Tribunals of Appeal includes:

- *a Chief Justice of the Supreme Court appointed by the first Chief Justice of the Court, President of the National Authority;*
- *The Inspector General of Judicial Services;*
- *a lawyer appointed by the Benin Bar Association;*
- *A representative of the consular chambers;*
- *a representative of the organization that represents employers.*

These members are appointed for a four-year term, renewable once.

senior member appointed under the same conditions as each regular member.

Any vacancy or loss of standing by virtue of which the members have been

The appointed person will be replaced for the remainder of the term if more than three months pass.

before the normal term.

The Minister in charge of justice appoints a Secretary General who assists the President

of the National Authority.

5) The National Authority meets at least twice a year, at the invitation of its president

which sets the agenda and adopts the resolutions that will be presented to the Minister

in charge of justice.

Any summons to a meeting of the National Authority is addressed to its members at

at least fifteen days before the date. The agenda is included in the notice.

The National Authority can only meet if a majority of its members are present.

It can only validly deliberate by a majority of its members.

The compensation scheme for members of the National Authority is established by decree adopted by the Council of Ministers.

Title 4 - Courts** of **Appeal and** Commercial* Courts *of **Appeal Art. 59** (Law* 2016-15) 1) The following courts ***of appeal *are created :*

- *the Cotonou Court of Appeal, with territorial jurisdiction over the Coastal Departments,*

Atlantic, Ouémé and Plateau;

- *the Abomey Court of Appeal, with the departments of Zou, Hills, Mono and Couffo as his territorial responsibility;*
- *Parakou Court of Appeal with territorial jurisdiction over the departments of Borgou, Alibori, Atacora and Donga.*

2) The following selection committees are created:

- *the Commercial Court of Porto-Novo, with territorial jurisdiction over the departments of the Coast, the Atlantic, the Ouémé and the Plateau;*
- *the Abomey Commercial Court, with the departments of Zou, Hills, Mono and Couffo as his territorial responsibility;*
- *the Parakou Commercial Court with territorial jurisdiction over the departments from Borgou, Alibori, Atacora and Donga.*

3) However, pending the creation of the commercial appeals courts of Abomey and Parakou, the Porto-Novo Commercial Court of Appeal faces resources of commercial courts in their territorial jurisdiction.

The Supreme Court is establishing commercial appeals courts.

Art. 60. (Law 2016-15) The number and day of the hearings of the Courts of appeal and commercial courts of appeal are set by their first president, after the deliberation of his general assembly.

Art. 61. . *(Law 2016-15) Each Court of Appeal includes at least:*

- *A modern and socially conscious civil chamber;*
- *A house that is owned;*
- *An administrative chamber*
- *A traditional law court;*
- *A correctional chamber*
- *A chamber of accounts*
- *an indictment room.*

Art.62(Law 2016-15) 1) The Court of Appeal is composed of a first president, presidents and lawyers, an attorney general, an attorney general, a general substitute, a principal secretary and secretaries.

Auditors may be appointed in the Court of Appeal's Chamber of Accounts under the same procedure as the appointment of judges.

2) The Court of Appeal is composed of a first president, presidents of chamber, councilors, consular advisors, a principal secretary and secretaries.

The functions of the Attorney General before the Commercial Court of Appeals are performed by the Attorney General near the Court of Appeal in which the Commercial Court of Appeals, or by the Attorney General appointed by him.

Each Commercial Court of Appeal has at least one chamber presided over by the first president. When there are several, each one is presided over by a chamber president.

The Court of Appeal or each chamber of the court is composed of councilors in odd numbers. The number of advisors cannot be greater than the number of advisors. consular.

The first president and the chamber presidents of the Commercial Court of Appeal are selected from terminal-level judges on an aptitude list and appointed by decree in accordance with the statute of the judiciary.

3) Consular advisors are appointed by order of the Minister in charge of justice, in a List of candidates eligible for the positions of incumbent consular advisors and advisors alternate consular officers, established by the consular chambers and the national organization representative of employers and with as many names as advisors to be appointed.

No one can be appointed as a consular advisor if they have not served as a consular judge before a commercial court for at least three years.

Notwithstanding the provisions of the preceding paragraph, and for a period of three years from The installation of the Commercial Court, the consular advisors may be appointed by persons who meet the criteria of article 38.5 of this Law.

4) The conditions for recruiting and performing the functions of consular advisors are as follows:

provided for in articles 38.5 to 38.9 of this Law and that have at least ten years of

proven experience in their field of activity.

Art.63.- *(Law 2016-15) 1) In all matters, and in ordinary hearings, the*

Sentences are handed down by a court composed of a panel of three judges.

In case of impediment or temporary absence, the first president is replaced by

the most senior chamber president present.

2) In case of absence or temporary incapacity, the President of the Chamber of the Court of

Appeal is replaced by the most senior advisor.

3) In case of impediment or momentary absence, the President of the Court Chamber

The Commercial Court is replaced by a President of the Chamber of the Commercial Court or a President of the Chamber of the Commercial Court who has not been familiar with the pending case.

4) In case of impediment for a counselor at the hearing and in the absence of another lawyer

To replace him, the first president of the Court of Appeals appeals to the vacancy appointing, in order, the most senior judge in the highest available rank among the members of the court of first instance who were unaware of the case.

5) In the event of the inability of a consular advisor to attend the hearing and in the absence of another consular advisor to replace him, the first president of the Court of Appeal of Commerce appeals the vacancy by ordering the senior consular judge that there was no The case is known among the members of the court who trade from the court headquarters.

6) In case of impediment or temporary absence, the Attorney General is replaced by the most senior General Counselor in the highest rank, each Attorney General is replaced by the most senior attorney general in the highest rank, present and/or available.

Art. 64. *(Law 2016-15) The first president of the Court of Appeal and the first president Judges of the Court of Appeal are heads of their respective jurisdictions. As such, they:*

- *to preside over formal hearings and general meetings;*
- *He also presides over hearings of his choosing;*
- *establish the advisors' turnover and define their responsibilities;*
- *oversee the role and distribute the business;*
- *anticipate the replacement of a mortgaged advisor;*
- *They are the organizers of the budgets of their respective courts;*

- *monitor how the transplant works.*

According to the Attorney General near the Court of Appeals, they:

- *to convene their respective tribunal for the general assemblies;*
- *control the discipline of their jurisdiction*
- *organize and regulate the internal service of their respective courts;*
- *They manage the service.*

Art. 65. *(Law 2016-15) The Court of Appeal has jurisdiction over all judgments issued by the courts of first instance of their jurisdiction and appealed in the forms and legal deadlines.*

The Commercial Court of Appeal has jurisdiction over all costs that the commercial courts of its jurisdiction and appealed in the forms and time limits of the law.

Art. 66. *In administrative matters, the Court of Appeal is competent to determine*

As a last resort, litigation of all acts emanating from the authorities

administrative bodies within their jurisdiction.

The outcome of this litigation is:

1) Appeals for annulment due to the excessive power of the authorities' decisions

administrative;

2) appeals for the interpretation of the actions of the same authorities in the

expulsion of the judicial authorities;

3) Full litigation involving a public legal entity, except for the exceptions

provided for by law;

4) Individual claims for damages caused by the personal acts of the

concessionaires and administration managers;

5) tax litigation.

Art. 67 The *administrative procedure is that provided for in the Code of Civil Procedure,*

Commercial, Social and Administrative.

Art. 68 *In matters of accounts, the Court of Appeal is competent to erase and stop*

the accounts:

- *municipalities and communal establishments;*
- *departmental institutions with or without legal personality.*

This jurisdiction applies to local authorities under the jurisdiction of the Court of

Appeal, institutions and organizations whose budget or turnover is

less than or equal to five hundred million (500,000,000) FCFA.

Art. 69 *The Court of Appeal issues any certificate of agreement within its*

jurisdiction between the accounts of the ordering officer and those of the accountant.

Art. 70. *The procedure before the Court of Accounts of the Court of Appeal is the one that*

The case remains before the Court of Auditors of the Supreme Court.

Art. 71. . *The judgments of the Court of Accounts of the Court of Appeal are notified by the same means as those of the Court of Auditors of the Supreme Court.*

The President of the Supreme Court and the Attorney General are also notified of this Court. The file of the proceedings and all accounting documents are sent to this last.

Art. 72. . *Decisions made on the accounts of the Court of Appeal may be appealed to the Supreme Court.*

The appeal period is four months from the notification of the decision.

The appeal is open to accountants, representatives of communities or institutions, interested departments and the Attorney General near the Court of Appeals and any person with an interest in her.

Notwithstanding the expiration of the appeal period, the Attorney General of the Court of The appeal may, for a period of ten years, request the reform of the decisions made in the accounts.

***The** appeal is received at the Registry of the Court of Appeal. It can also be received in the Registry of the Supreme Court.*

Appeals made under Article 72 above are made by letter recommended with notification of receipt; Declaration of the Attorney General to the Registry.

Once the letter or statement of appeal has been received, the Chief Secretary will notify the stakeholders.

Send the appeal and the case file to the Supreme Court.

***Art. 74. . .** In addition to the right of recall derived from the appeal in cassation, the Court of The Supreme Court's accounts exercise control over the decisions of the chambers of the Courts of appeal, with the power of recall.*

***Art. 75 . .** The Court of Appeal, which rules on the right traditional, appoints one or two evaluators on an advisory basis under the specified conditions by the legislation.*

***Art.76.** (Law 2016-15) The Court of Appeal and the Commercial Court of Appeal are They are found in all matters in the presence of the Crown, with the assistance of a secretary.*

***Art.77. .** (Law 2016-15) The Court of Appeal may meet in a formal hearing.*

In this case, at least five judges are being trained to decide, among other things

things, regarding the taking of the parties, receiving the oath of office for the hearings of re-entry of the court and for the installation of its members.

The Commercial Court of Appeals may convene in a formal hearing. In this case,

It sits in formation with at least five judges to decide, among other things, on the

Take the oath of office to the parties, receive the oath of office from the advisors and/ or consular officials for the court readmission hearings and for the installation of its members.

***Art.78.** (Law 2016-15) 1) The Court of Appeal may meet in a general session, after prior summons by its president. Deliberations are taken by an absolute majority of the magistrates of the headquarters that constitutes the court.*

2) The Commercial Court of Appeal may meet in a general session, by invitation of its president. Deliberations are taken by an absolute majority of the magistrates of the headquarters and of the consular advisors who make up the court.

3) The general meeting for each of these courses may include:

• decide to refer an illegal act to the appropriate annulment chamber;

• Establish or modify internal regulations;

• Schedule holiday hearings and special hearings.

4) The General Assembly of the Court of Appeal rules on appeals against the decisions of the Bar Association and other judicial assistants or officials ministerial, as well as on the litigation of the elections to these various councils, of in accordance with the law.

5) Members of the Public Prosecutor's Office have the right to have all applications on record of the Court of Appeal or the Commercial Court of Appeal for the purposes of decisions they deem appropriate to make in relation to the order and service internal or any other object that does not affect any private interest.

Art.79 (Law 2016-15) In the cases provided for by law, the Court of Appeal or the Commercial Court of Appeals meet in the Council Chamber.

***The** Court of Appeal includes a mandate chamber whose composition and operation and responsibilities are regulated in accordance with the provisions of the Code of Criminal Procedure.*

5) Title 5 - Trial Court

***Art. 81 . . .** A court of first instance is established at the seat of each court of appeal. However, when circumstances or needs so require, the Court of the Court The trial judge may sit in a location designated by order of the first president of the Court of Appeal on the advice of the Attorney General.*

The Seal Guard and the Minister of Justice are hereby notified.

Art. 82. *The composition, competence and functioning of the assizes tribunal are determined by the provisions of the Code of Criminal Procedure.*

6) Title 6 - Transitional provisions

Art. 83 (Law *2016-15) The Court of Appeal of Cotonou, the Court of Appeal of Abomey and the Parakou Court of Appeal, as well as the first courts in this instance, they remain competent to hear the proceedings filed before of the date of installation of the Court of Appeal of the same jurisdiction.*

Art. 84 *In administrative matters and in the accounts, the administrative chambers and the accounts the court remains competent until the installation of administrative rooms and the accounts of the courts of appeal and the courts of first instance.*

Art. 85 *The proceedings pending before the old courts are transferred to the new ones courts and chambers as soon as they are resolved, except those that are in a position to be courts.*

Art. 86. *This Law, which repeals any previous contrary provision, including Law 90-003, dated May 15, 1990, shall be applied as state law.*