



Call for Papers

Towards an Endogenous African
Constitutionalism and Legitimate
Government: Epistemological
and Empirical Perspectives

**African Network of Constitutional Lawyers
Congress on Constitutionalism 2024
2 - 4 December 2024
Dakar Senegal**

Since the 1990s, the democratic trajectory in Africa has been characterized by a complex interplay of progress, stagnation, and regression. The initial optimism following the wave of democratization has given way to a more nuanced reality, marked by achievements in some countries, consolidation of autocracies and even democratic backsliding. Alongside the recent wave of military coups and increasing disillusionment about continuing socio-economic challenges, the situation calls for a critical examination of the foundations and frameworks of legitimate government and constitutional democracy in Africa, as part of the broader discourse on 'decolonizing' knowledge and socio-economic and political institutions.



AFRICAN NETWORK OF CONSTITUTIONAL LAWYERS
RÉSEAU AFRICAÏN DE DROIT CONSTITUTIONNEL
REDE AFRICANA DE JURISTAS CONSTITUCIONALISTAS



Post-independence, many African countries transitioned from formally multi-party democracies to one-party systems. These shifts were often justified by the need to build 'nations' and states out of disparate groups and address socio-economic underdevelopment, often by invoking traditional African governance models and inspiration from Soviet and Chinese one-party systems.

By the 1990s, Africa had experimented with a variety of governance models, including:

- **Multi-party systems**
- **One-party systems**
- **Limited number of parties (e.g., Senegal, and now in Somaliland)**
- **Movement systems (e.g., Uganda)**
- **No-party states (e.g., pre-1974 Ethiopia, Libya, Eswatini)**
- **Military dictatorships**

The reintroduction of multi-party democracy in the 1990s, through popular demand supported by significant Western influence, was seen as a corrective measure to past failures, including economic misery, with development levels in many African countries in the 1990 worse than at independence. However, this transition did not necessarily lead to the desired outcomes of stability, legitimacy, and effective governance, and any outcomes have been mixed and tentative. Despite these varied experiences, there has been a lack of comprehensive, continent-wide deliberation on the viability of an African-specific conception of legitimate government. The liberal democratic model has formally remained dominant, often imposed or encouraged by external actors, without sufficient consideration of indigenous perspectives and contexts. The formal return to multi-party politics has resulted in diverse trajectories:

- **Progressive democratization** in some countries.
- **Stagnation in authoritarianism** in others.
- **Democratic regression** after initial progress.
- **Persistent conflict and instability** in several regions.

In all cases, however, despite widespread popular support for democracy, dissatisfaction with its outcomes is high, as evidenced by Afrobarometer surveys.¹

This raises fundamental questions not only about the failure to implement democratic ideals but also about the suitability and implementation of (liberal) democracy in Africa. Is the problem the lack of sufficient democracy, or is it the inappropriate application of a (Western) model in an African context?

Is African constitutional engineering sufficiently nourished by the endogenous knowledge belief systems and experiences of African societies or does it continue the path of a long-decried mimicry?

The constitution, which is supposed to be the central mechanism of political organization, has sometimes been criticized as a normative instrument out of step with the aspirations of African societies without necessarily reflecting their realities.

Prominent African intellectuals and political leaders, most recently including former Nigerian President Olusegun Obasanjo, have advocated for "Afro democracy".²

Recent military leaders, such as those in Burkina Faso, have echoed these calls. The liberal form of constitutional democracy, with its emphasis on ruling/opposition, divides and individual rights, needs to be critically evaluated for its applicability and effectiveness in Africa.

¹ Gymiah-Boadi 'Afrobarometer data shows worrying trends for democracy in Africa', June 2013, <https://www.afrobarometer.org/articles/afrobarometer-data-show-worrying-trends-for-democracy-in-africa-prof-gyimah-boadi-warns/>, accessed on 30 June 2024.

² 'Obasanjo says western democracy has failed Africa, backs 'Afro-democracy'', 14 May 2024, *Arise News*, <https://www.arise.tv/obasanjo-says-western-democracy-has-failed-africa-backs-afro-democracy/>, accessed on 30 June 2024

Key Questions

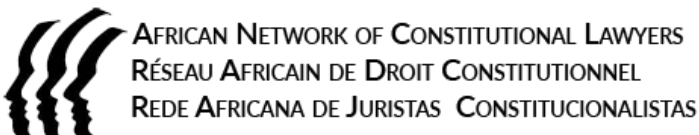
This Congress aims to contribute to the decolonization discourse by exploring new frameworks for constitutional and legitimate governance in Africa. It seeks to enable conversations and inquiries on what a decolonized constitutional and legitimate government framework would look like, both in its conception and institutional architecture. Key questions include:

- What are the conceptions of democracy that African countries have adopted?
- What are the regional and sub-regional (REC) conceptions of democracy, and how do they align and interact with the conceptions at the domestic level?
- Have African states innovated unique institutions and processes to address their challenges?
- Is the current democratic model merely a mimicry of former colonial powers?
- What impact has this mimicry had on the success or failure of democracy in Africa?
- How does the performance of democracy vary across African countries, and what insights does this provide?
- Are some countries better suited to thrive under existing conceptions of constitutional institutions than others?
- Is there a need for a distinct 'Afro democracy'?
- What would be the foundational principles and key institutional features of such a democracy?
- How can the winner-takes-all problem pervasive in African polities be addressed to foster inclusivity, legitimacy and stability?

Relevance of the Congress

The Congress seeks to bring together public intellectuals, academics and practitioners from different backgrounds from Africa and beyond to reflect and discuss issues around the broader theme outlined above, including the following questions, and provide new ways of thinking and policy alternatives:

- Understanding conceptions of legitimacy and legitimate government in Africa;
- The (im)pertinence of colonial (or other external) conceptual production to address the cognitive schemas of African societies;



- How jurisprudential production engages external normative and conceptual frameworks to find innovative solutions to political, institutional and social problems in Africa's specific contexts;
- The use of endogenous knowledge as a mechanism for resolving institutional conflicts, etc.

Lines of thought

Axis 1: Deconstruction of Constitutional Mimicry

- Critical analysis of the adoption and adaptation of Western constitutional models in Africa, at country and regional and continental levels.
- Historical forms of legitimate government in different parts of Africa, and insights relevant to modern legitimate governance.
- Study of the implications of constitutional mimicry to legitimacy, stability, effective government, and broadly the identity and aspirations of African societies.
- Exploration of alternatives to the mimetic approach in the African constitutional conception.

Axis 2: Endogenization of Constitutional Law:

- Assessment of efforts to integrate endogenous knowledge and African values into constitutional norms.
- Case study on constitutions and legal practices that reflect a dynamic of endogenization.
- Impact of endogenization on the legitimacy and effectiveness of constitutional institutions in Africa.

Axis 3: Conceptual and Legal Decolonization

- Analysis of decolonial discourses and movements in the field of African constitutional studies and practice.
- Examination of initiatives to deconstruct colonial conceptual paradigms and reimagine constitutionalism in Africa.
- Reflection on the possibilities and challenges of conceptual and legal decolonization in Africa.

Axis 4: African Jurisprudential Takes

- Study of African jurisprudential developments that move away from Western normative frameworks to respond to local challenges.
- Analysis of court decisions that integrate African values and traditions into the interpretation and application of constitutional law.
- Reflecting on the potential of African jurisprudential innovation to transform institutional and social practices in Africa.

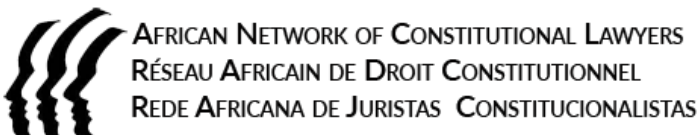
Axis 5: Endogenous Knowledge and Conflict Resolution

- Study of traditional dispute resolution mechanisms and their interaction with constitutional institutions.
- Analysis of hybrid approaches to conflict resolution that combine endogenous knowledge and constitutional norms.
- Exploring the challenges and opportunities related to the integration of endogenous knowledge into justice and governance processes in Africa.

These lines of reflection are not exhaustive and are intended to provide a framework for exploring different dimensions of constitutional thinking and engineering in Africa, taking into account the specific historical, cultural and political contexts of the continent.

How to proceed

The African Conference on Constitutionalism will explore the empirical and epistemological perspectives necessary to develop an endogenous African conception and practice of constitutionalism, which can draw on insights from across the world, but does not simply mimic them. This endeavor seeks to create legitimate, inclusive, stable, and effective governance structures that are rooted in the continent's unique historical, cultural, and political contexts. By critically evaluating existing models and proposing new frameworks, the Congress aims to contribute to the ongoing transformation of democratic governance in Africa.



The Congress Organizing Committee therefore call for the submission of proposals for papers and or panels on topics of interest in all fields relating to the overall theme of the Congress. Women experts and submissions with a gender perspective are particularly encouraged to join.

Interested scholars, practitioners, government officials, judicial officials and any other interested parties should [submit](#) abstracts of not more than 300 words [here](#).

The deadline for submission of abstracts is 31 September 2024. Accepted abstracts will have to be developed into full original papers **and submitted by 30 November 2024**. Guidance on the full papers will be provided in due course.

The organizers plan to publish the proceedings of the Congress, subject to quality control.

Financial Assistance

The organizers will seek to support some participants in relation to costs of flights and/or accommodation, depending on the need and the merit of the proposed contribution. The Organizers will also be able to provide supporting letters to authors of accepted abstracts to help them raise funding for their participation.

The Organizers will organize local transport and refreshment during the event, as well as a Congress dinner.

