



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA
Faculty of Law



CALL FOR PAPERS

Party Constitutionalisation and Constitutionalism in Sub-Saharan Africa

Pretoria, 25-26 April 2024

Dear Colleagues,

The Institute for International and Comparative Law in Africa (ICLA) of the Faculty of Law, University of Pretoria, in partnership with the Konrad Adenauer Stiftung (KAS), Regional Programme Political Dialogue for Sub-Sahara Africa based in Johannesburg, South Africa, are pleased to announce this call for papers on the theme, “Party constitutionalisation and constitutionalism in Sub-Saharan Africa.”

A fundamental requirement for the existence of a modern representative democracy is the presence of political parties which are allowed to compete for political power. Accordingly, state institutions, structures, organisations and legal frameworks need to be designed in a way in which they not only empower political parties to compete but also protect them against partisan manipulation aimed at preventing fair competition. Although it therefore seems almost impossible to properly understand the functioning of different institutional arrangements without a close attention to the party system in which they operate, political parties have so far gained only limited attention in the global discourse on constitutions and constitutionalism.

One of the most significant changes that marked the advent of the third wave of democratisation in Africa in the 1990s was the formal constitutional recognition of party pluralism in almost all African constitutions. While these reforms may well have marked the end of the one-party era, their effectiveness in promoting free, fair and open competition has depended very much on, among other things, the nature and extent of the constitutional entrenchment of the rights and obligations of political parties and the way it is implemented. The question is whether this has been done in a manner that promotes democracy, good governance and constitutionalism.

While democratic backsliding is a current phenomenon that can be observed in many parts of the world, the situation in Africa is particularly worrying. The proliferation of political parties and the expansion of political space has not brought about genuine democracy or political stability. Evidence of an authoritarian mobilisation and resurgence is clearly apparent in the declining quality of democratic elections and governance in the last two decades. At this critical stage when the risks of a return to the pre-1990 era of repressive authoritarian regimes is high, there is need to review the developments of the last three decades of multipartyism. Some preliminary research on party constitutionalisation suggests that the legal framework that paved the way for democratisation in the early 1990s is not sufficiently robust to ensure a credible and sustainable system of multiparty democracy in which opposition parties and ruling parties can compete on an equal basis.

We hereby invite all scholars and other persons interested in research in this area to submit a proposal on the broad theme of the constitutionalisation of political parties in Sub-Saharan Africa and the impact this has had on democracy and constitutionalism. The paper proposals can fall within or cut across any of the following four sub-themes:

1. International standards and global trends

Broad international and global trends in the constitutionalisation of political parties that may have influenced post-1990 developments in Sub-Saharan Africa.

2. General context

Historical overview and evolution of political party constitutionalisation in Sub-Saharan Africa and standards set by the African Union and its Regional Economic Communities.

3. Comparative studies on the constitutional framework

Comparatives studies on political parties and governments in Sub-Saharan Africa; political parties and governance in Sub-Saharan Africa; opposition parties in Sub-Saharan Africa: their roles, rights and recognition; and political parties, gender and governance in Sub-Saharan Africa.

4. Country case studies

In-depth country cases studies on political party constitutionalisation in anglophone African countries (e.g., Botswana, Ghana, Kenya, Mauritius, Nigeria, South Africa, Sierra Leone, Tanzania, Zimbabwe), francophone African countries (e.g., Benin, Burundi, Cameroon, Côte d'Ivoire, Mauritania, Rwanda, Senegal) or lusophone and hispanophone African countries (e.g., Angola, Mozambique, Equatorial Guinea).

Case studies should address the following aspects:

- The constitutional and statutory regulatory framework in place: Has this provided an impartial and neutral framework for people to freely join or form political parties?
- Does the regulatory framework recognise and protect political parties? Are political parties involved in election matters, e.g., in electoral management bodies?
- How have political parties evolved since the re-introduction of multipartyism to date? If a dominant party exists, to what extent is it able to capture and control state resources?
- Does the regulatory framework ensure that there is internal democracy within political parties?
- What are the main regulatory authorities, and have they discharged their functions in an objective and neutral manner?
- How does the funding of political parties work – private and/or public?
- What have been the main challenges that have prevented political parties from playing an effective role in the governance of the country?
- What are the prospects for the future and what are the wider implications of these aspects for the state of democracy?

The proposal should include an **abstract** of the paper of about 1,000 words and a **CV** of the author. The deadline for submitting proposals is **15 January 2024**.

Proposals should be sent as e-mail attachment to Dr. Johannes Socher (johannes.socher@up.ac.za), with Prof. Charles M. Fombad (charles.fombad@up.ac.za) in copy. On acceptance of an abstract, the author will be invited to submit a draft paper on the basis of which a final invitation to the conference will be extended. All authors whose papers are accepted will be provided with a return economy class air ticket and board and lodging on the Future for Africa Campus in Pretoria for the duration of the seminar. All the papers presented during the seminar will be peer-reviewed and there are discussions to have this published in the form of an edited volume by either Pretoria University Law Press (PULP) or by Nomos Publishing in Germany, in its *Law and Constitution in Africa* book series. All authors whose papers are accepted for publication will be given an honorarium of USD 300.

Kindly distribute this call for papers widely to all colleagues in your scholarly network.

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Dr. Johannes Socher
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