



CALL FOR PAPERS

2022 AFRICAN NETWORK OF CONSTITUTIONAL LAWYERS ANNUAL CONFERENCE

Theme: CONSTITUTIONALISM AND SUSTAINABLE ECONOMIC DEVELOPMENT IN AFRICA

[Hybrid Conference]

University of Namibia, Windhoek

August 24-26, 2022

Background

Following the independence of most Africa countries from the 1960s onwards, there has been a consciousness for a united Africa founded on sustained economic development. That this has been an enduring ambition for the continent is understandable. Under the weights of centuries of colonial rule, most of Africa remains poor characterised by uneven economic leverage and fiscal and structural adjustment programmes suited and reflective of the developmental agenda of the global North. Although many African States gradually began to experience investment booms, particularly from the 1990s onwards, these gains were not sufficient.

New policy approaches such as the New Partnership for Africa's Development, became imminent, drawing on the experience of both post-colonial and adjustment periods. To this end, and as a means to leverage economic competitiveness aimed at ensuring sustained development and safeguarding their economic interests while at the same time encouraging foreign investments, African constitutions in one form or the other incorporated State policy directives, including foreign policies, aimed at economic development. Moreover, the inclusion of socio-economic rights in some African Constitutions also raised state obligations for the realisation of these rights. This renewed culture and consciousness of sustained economic development has been transplanted and reflected in bilateral and multilateral engagements by African States, both locally and beyond.

The need to rethink development, socio-economic conditions and liberalisation of markets in Africa comes at a time when the multilateral rules and institutions (for example the World Trade Organisation and the Bretton Woods Institutions) that have governed international markets and economies since the end of World War II are increasingly questioned at the national, regional and global level. The future, or even survival, of core global economic

institutions is seriously questioned and multiple proposals for reform of international trade, investment and financial law and governance have been tabled at various fora the world over.

One of the initiatives on the African continent that has pursued this aspiration for a united Africa oriented towards sustained economic development is the African Union Agenda 2063. As an affirmation of their commitment to support Africa's new path for attaining inclusive and sustainable economic growth and development African heads of state and government signed the 50th Anniversary Solemn Declaration during the Golden Jubilee celebrations of the formation of the Organisation of African Unity (OAU) /African Union (AU) in May 2013. The Declaration marked the re-dedication of Africa towards the attainment of the Pan-African Vision of an integrated, prosperous and peaceful Africa, driven by its own citizens, representing a dynamic force in the international arena. More recently the African continental body passed the African Continental Free Trade Agreement (AfCFTA), as one of its flagship projects of the First Ten-Year Implementation Plan (2014-2023) under Agenda 2063. This Agreement, which entered into force in 2020 after receiving the required number ratifications from member States, has the potential to create a continental free-trade zone with a combined Gross Domestic Product (GDP) of USD\$3.4 trillion. In a true spirit tailored on sustained economic development, the AfCFTA emphasises the reduction of tariffs and non-tariff barriers, and the facilitation of free movement of people and labour, right of residence, right of establishment, and investment. The achievement of the ambitious economic and developmental potential for the continent represented in the AfCFTA's agenda requires progress on negotiations on critical supplementary protocols and annexes. Primarily, there is a need to develop national strategies to guide the implementation of the AfCFTA, primarily premised in constitutional principles.

In understanding the undercurrents of African constitutionalism in harnessing the continent's economic and development potential, the 2022 ANCL Conference calls on, and invites prospective participants to reflect on the central question, to what extent African Constitutions and the basic principles of constitutional law are capable of meeting the challenges of a liberalised and united economic system suited for sustainable economic development in Africa?

This broad-theme requires reflection on the actual or potential role of African Constitutions, more specially the principle of constitutionalism, in harnessing and shaping the full trade and investment potential of African States and generally beyond the continent. Intricate in the rule of law and the basic tenets of constitutionalism is an economic regime designed to ensure security from discrimination for all stakeholders, including the State and conferring standing on such stakeholders to sue in the event that their interests are impaired. It is therefore crucial to examine the agency of the stakeholders of economies, especially the State, in promoting rules and standards that conform to the rule of law and constitutionalism, including the actual or potential impact of these rules and standards in domestic constitutional regimes.

An examination of this nature requires of us to deliberate about and assess whether African constitutionalism adequately addresses economic issues and the challenges brought about by competing economic interests and policy positions on the continent. How best can African

Constitutions and other enforcement mechanisms such as courts, aid in enhancing Africa's economic potential using constitutionalism, African ideals, constitutional mechanisms, procedures and processes? What role if any do African Non-Governmental Organisations' and private multilateral entities have in shaping a sustained and integrated economic regime for Africa that is both conducive to local citizens and foreign investors? Can constitutionalism and the rule of law as paradigms of African Constitutionalism orient a conducive environment for mutually benefitting foreign direct investment? What actual or potential role can African Constitutions play in cementing and sustaining the promises of the AfCFTA?

These questions are critical for Africa given the ambition and growing political will on the African continent to allow free movement between borders, the ideals of a single currency, , the focus towards socio-economic rights and development, as well as liberalised trade and investment among African States. Moreover, sustained economic development and the protection of socio-economic rights on the continent amongst others requires an integrated economic system informed first and foremost by African values premised in constitutionalism. The recently promulgated AfCFTA amongst others further requires African governments to rethink their economic strategies by using constitutional means and principles in safeguarding and sustaining these renewed economic ambitions.

In view of the above contextual background, the 2022 ANCL Conference has been dedicated to expounding the interlinkage between constitutionalism and Africa's economic ambitions, notably through economic integration founded on Agenda 2063 and the AfCFTA. The Conference is open to academics, researchers, legal practitioners, civil society organisations, trade experts, and public officials to identify, reflect and present their views on the opportunities, challenges and the ways to address them. Without excluding proposals on other topics, the Conference paper selection Committee welcomes, in particular, proposals for papers and panels on one or more of the following themes:

- Constitutionalism and sustainable economic development in Africa
- Africa and international financial institutions
- African Constitutions, State policy directives and foreign direct investment
- Courts and sustainable economic development in Africa
- Socio-economic rights advancement through sustainable economic means
- The role, effect and impact of the AfCFTA
- Dispute settlement of conflicts in investment law and African constitutions
- The digitalisation of trade and finance, and the need for innovative international regulation regarding inter alia digital currencies and payments
- The impact of foreign aid in Africa
- Human rights and sustainable economic development

- Leveraging of international private and public financial systems for Africa's development
- Climate change, the environment and sustainable economic development in Africa
- African Constitutions and trade and investment in Africa
- Regional integration and sustainable economic development in Africa
- Gender equality, constitutionalism and sustainable economic development
- Constitutionalism, poverty and inequality in Africa
- The use of Constitutions in protecting socio-economic rights for sustained development
- Africa and Illicit financial flows
- 4th Industrial Revolution and constitutionalism in Africa
- Regional trade integration and constitutionalism in Africa
- Cyber security, technological transformation, data security and constitutionalism in Africa
- Indigenisation, social transformation and constitutionalism in 21st Century Africa
- The New World Order and Constitutionalism in Africa
- Financial inclusion and constitutionalism in Africa
- Corporate Governance, economic transformation and constitutionalism in Africa
- Economic Risk Management and constitutionalism in Africa

The Conference Organizing Committee encourages the submission of proposals for papers and or panels on topics of interest in all fields relating to Constitutionalism and sustainable development, with a focus on the interactions between constitutionalism and continental economic integration in Africa. Papers with international and comparative aspects relating to the theme are also welcome, provided these engage basic constitutional law principles of importance to African Constitutionalism.

Guide to abstract and full paper submissions:

The Conference organizers will accept abstracts dealing with or relevant to the conference themes outlined in this conference call and any other related areas provided these engage basic constitutional law principles.

Interested scholars, practitioners, government officials, judicial officials and any other interested parties can submit abstracts of not more than 300 words to secretariat@ancl-radc.org.za. **The deadline for abstracts submission is 15 March 2022.** Accepted abstracts will have to be developed into full papers and submitted on or before **30 July 2022**.

All submissions need to comply with the following requirements:

- All submissions must be made by e-mail to the aforementioned email addresses in the form of a file attachment in MS Word.
- The Organisers encourage only original, unpublished submissions.
- Submissions (full draft papers) should be between 6,000 and 8,000 words, including footnotes.

Accepted contributions will be subjected to a rigorous double-blind peer review process before they are included in the conference proceedings and the subsequent publications. Such peer review process is expected to be completed in a period **not exceeding 90 days** from the date of submission of papers. Authors are advised to closely follow the **South African Law Journal's**. To access the referencing guide, [click here](#) .

Conference venue

The conference will take place on the Campus, of the University of Namibia from Wednesday 24 to Friday 26 August 2022, with 24th being the arrival date for delegates attending in person. The conference will be hybrid meaning, some participants will attend in person and others will join virtually.

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