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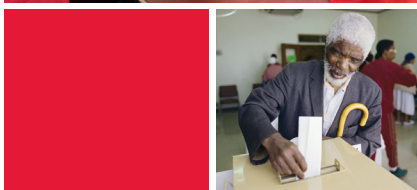
# Call for Papers: Constitution-making in Africa



CONFERENCE ON  
CONSTITUTION-MAKING  
IN AFRICA

6 September 2013

University of the  
Western Cape,  
Cape Town, South Africa



The **Multi-Level Government Initiative** and the **Socio-Economic Rights Project** of the **Community Law Centre** (University of the Western Cape), together with the **South African Research Chair on Multi-Level Government, Law & Policy** are pleased to announce a conference on "Constitution-making in Africa".

The Conference is organised as part of the **African Human Rights Moot Court Competition**, hosted by the Faculty of Law (University of the Western Cape) and the Centre for Human Rights (University of Pretoria) from 2 to 7 September 2013.

### Background and aim of the conference

2013 marks the 20th anniversary of the adoption of South Africa's Interim Constitution. The Interim Constitution was the product of the negotiations between the apartheid government and the liberation movements, which had already commenced in the late 1980s. It paved the way for the first democratic elections in 1994 and the adoption of the Final Constitution in 1996. The Community Law Centre played an important role in the drafting of the Interim and the Final Constitution and is proud to host a conference to mark the anniversary of the Interim Constitution.

The anniversary coincides with a trend towards greater constitutionalism in Africa: a number of countries are undergoing constitution-making processes. Some countries are in the process of writing or adopting a constitution (e.g. Zimbabwe, South Sudan) and others have recently adopted a new constitution (e.g. Kenya) and are in the process of implementing it.

The conference aims to provide a platform for the critical engagement with current and past constitution-making processes on the continent, drawing on the comparative experience of academics and practitioners.

### Themes

The conference will commence with a plenary session, in which key participants to the South African Constitution-making process will reflect on the transition from apartheid rule to democratic rule. The remainder of the conference will revolve around four themes:

### Process of constitution-making

The process towards the adoption of a constitution is determined by the context in which the constitution is written. It navigates issues such as political engagement, keeping politically agreed timelines, ensuring the inclusion of a variety of constituencies and groups, use of domestic and foreign technical expertise, ensuring legitimacy and public awareness etc. The Conference will look at various examples of constitution-making processes around the continent and how these attempt(ed) to accommodate the many interests at play.

### Designing the structure of the state

Questions surrounding the use of a multi-level government structure to respond to peace, development and democratic imperatives arise in all constitution-making processes. The Conference invites papers that deal with the question how the debate about the structure of the state is/was resolved against the backdrop of peace, development and democracy.

### Limits on state power

Greater constitutionalism implies that the constitution circumscribes the power of the state. This may take the form of a Bill of Rights, separation of powers and other constitutional mechanisms. Constitution-makers are called upon to take decisions on issues such as the inclusion of justiciable socio-economic rights, the imposition of term limits, the role of independent commissions, the role of the courts etc. The Conference will examine the debates that precede(d) the constitutional choices made on this topic and how those constitutional choices have been implemented.

### Implementing the Constitution

Once a new constitution has been adopted, the real challenge lies in implementing the new framework. Almost always, this involves a landmark general election, followed by large scale reforms of statutory frameworks, policies and institutions right across the country. Key issues in this are the political management of these reforms, how to maintain the rule of law and democratic governance, how to involve citizens and stakeholders in the reforms, how to deal with resistance, what transitional mechanisms to use etc. The Conference will debate current and past examples of countries managing the transition to a new constitutional order.

### Process

Abstracts are invited on the above four themes. The abstract must contain a name, proposed title and a brief summary in no more than 500 words. If you are a participant in the African Human Rights Moot Court Competition, please indicate this on your abstract. Abstracts should be sent to [dlgordon@uwc.ac.za](mailto:dlgordon@uwc.ac.za) on or before **17 May 2013**. Decisions with regard to the selection of abstracts will be communicated by **31 May 2013**.

**A full paper must be submitted by 30 August 2013**, using the prescribed referencing style, and be presented at the Conference. Papers will be published as drafts on a dedicated website beforehand. Presenters may be required to rework their papers after the Conference, and resubmit final versions for inclusion in a publication.

### Contacts

For further information, contact Mrs Debbie Gordon at [dlgordon@uwc.ac.za](mailto:dlgordon@uwc.ac.za)

