



## Call for papers

*In Africa, «constitutional order» in question*

*Afrique contemporaine journal*

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Posted on 15 December 2023

### **SUMMARY**

Sought, imposed, renovated, challenged, always invoked - often incantatorily - «constitutional order» is a major issue for States, civil societies and the international community. In a period of strong change and questioning, the purpose of contemporary Africa is to examine its meaning, the interpretations that are made of it, as well as the strategies and modalities used to ensure respect or reinvention. It is ultimately a question of whether and how political and constitutional systems and international instruments, through this means, are of a nature today, especially in Africa, better respond to the collective aspirations of peoples for rights and freedoms, development and peace.

### **ANNOUNCEMENT**

#### Coordination

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#### Argument

The constitutional order, that is to say that of the rules governing the organization and functioning of the State, remains a complex expression, difficult to fully understand as evidenced, beyond the diversity of political uses to which it is subject, the difficulties the law has to account for them.

Yet paradoxically, despite its seemingly technical character - but perhaps because of the complexity in which everyone can project themselves - at the heart of many issues and controversies whose relevance reinforces the importance and on which the journal *Afrique contemporaine* wished to contribute by cross-views to deepen reflection.

Can we consider that the consensus that seemed to prevail since the 1990s and the end of the Cold War - those of the belief in generalized liberal democracy - around the constitutional order understood as a set of norms and procedures based on respect for the rule of law and fundamental rights, continues to prevail today?

It is on the basis of such principles that the constitutional order has been for several decades a significant and convenient marker of national and international mobilization in the service of democracy, peace and development.

Claimed and integrated, first, as an assumed requirement, with the necessary adjustments and internal protection measures adapted to endogenous contexts, in the constitutions of the Democratic Renewal of the 1990s, particularly in sub-Saharan Africa, then, later, during what was called the "Arab Spring", it will also quickly become one of the structuring elements of the international and regional mechanisms for the promotion and safeguarding of democracy that are multiplying in the 2000s to ensure respect and sustainability.

Alpha and Omega, therefore, periods of transition between authoritarian and democratic regimes, between «breach of constitutional order» and «return to constitutional order», it thus presents itself as one of the most common causes during the last thirty years, under various names (breakdown of democracy, anti-constitutional regimes of government...), the triggering of collective action, and ... of its extinction.

Specific protocols (ECOWAS, African Union, Commonwealth, Francophonie, etc.) govern these delicate exercises in a more or less similar way: prohibition of coups and other illegal means of accession to power, convictions, sanctions, accompanying transition periods, adopting a new constitution, holding elections, noting the end of violations and the state of exception, with, as a result, lifting sanctions, in particular through reintegration into the Parent Organizations.

What lessons can be drawn from the use of these concepts, often spelled out in incantatory terms, although they have given rise to a considerable body of case law which has helped to outline them better, without the measures adopted on their behalf significantly advancing peace-? What arrangements should be made to improve the effectiveness of the measures concerned, particularly in terms of their preventive dimension? What efforts should be made to increase their relevance in the light of better shared concepts?

These issues are not new, but they are of renewed interest. First, because they are part of a general context of questioning, more or less affirmed and direct, but

nevertheless indisputable, of the international order in general, confronted with multiple threats and, more singularly, of that of systems of values which, however, are considered universal, would be unique only to the West without translating the plurality of worldviews, this criticism also underlining today, for some, a posture of rupture, even of confrontation, dangerous for peace.

Is it not therefore urgent, to feed the debate, and, why not, to suggest some possible innovative ways of readjusting strategies, to take a clearer measure of the new approaches to constitutionalism, as meaning and content concretely affected to this constitutional order, both denigrated and sought?

In this regard, moreover, more specifically, the interpretations and tensions of all kinds attached to the recent upsurge of military coups in Africa, commonly called putsch, justify that contributions to this issue of Afrique contemporaine question, in particular:

1. the reasons given by the authors of the putsch to suspend or revoke, in various forms, the existing constitutional order;
2. on the attempts to respond by multilateral bodies, forced to steer, in the face of now frontal criticisms, between affirmation and effective application of their principles in the matter;
3. on the constitutional and, more generally, legal and institutional arrangements nevertheless convened to frame the transition period itself;
4. on the «renewed» constitutional order, finally, supposed to bring, with the holding of free elections, lasting solutions to the crises thus opened.
5. on the use of the reference to the constitutional order for other than democratic purposes and its theoretical and political consequences.

In short, what constitutional order are we talking about?

While retaining that this constitutional order evolves, adapts and emphasizes the importance, in any case- and this is historically a fundamental element- what is the recognition of the value of this order for the rights of citizens and their protections by national and regional judges.

All disciplines - constitutional law, political science, legal science, socio-economics, socio-anthropology - can be mobilized to address these themes. Contributions on specific case studies in different African contexts are expected.

### **Calendar and modalities of contributions**

- Formal call for papers: 15 December 2023.
- Deadline for submission: 15 February 2024.
- Editorial response to authors by April 30, 2024.
- Receipt of first draft of pre-selected papers no later than June 1, 2024 The V1 drafting request is without prejudice to the final acceptance of the paper.
- Decision in principle to retain or not the pre-selected article, after the opinion of two reviewers: 15 July 2024.

- If the article is retained, subject to possible modifications, finalization of the article in question: 1 September 2024.
- Release end 2024

Article proposals (a brief description of the process of the argument and the data/terrain mobilized) should be sent to

**Afcontemporaine@gmail.com**

before February 15, 2024.

The articles, in French, English, or Spanish, in Times new Roman 12 must include 45,000 characters (including spaces and punctuation) including all tables, maps, drawings, formulas, graphs, notes and bibliographic references.

References cited must be in the APA format

Papers submitted must be accompanied by two abstracts of 600 characters each, in French and English.

### Selection procedures

The documents will be reviewed by two expert evaluators.

### References

#### CATEGORIES

DATES 15 December 2023

#### FILES ATTACHED

- Call for papers for a special issue of *Afrique contemporaine* on *the constitutional order in questions.pdf*
- Call for papers *Afrique contemporaine* special issue *the constitutional order.pdf*

#### KEYWORDS

Constitution, democracy, values, constitutional order, putsch, coup d state, election, governance, international institutions and regional, safeguard, sanction, transition.

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#### URLS DE RÉFÉRENCE

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