

# **Syllabus**

**CEU - Summer Course on  
Constitution Building in Africa**

**Summer 2013**

**Budapest**

## DAY 1 - Monday

### Introduction

TIME	ACTIVITY	COMMENTS
9:00 – 9:30 Plenary	<b>Welcome / Mutual Introductions / Expectation from the Summer Course Introduction of the curriculum</b>	
<b>Session 1: Putting Constitution Building in Context</b>		
<b>1.1</b> 9:30 – 10:30 Plenary	<b>What is a constitution? What is a Constitution for?</b>  Participants will be requested to define their conceptions on these core issues. Participants' conceptions will be discussed against classic stances from theory and lessons from experience.  <b>Background reading:</b> A Sajo: Limiting Government (1999), Ch.1: The Constitution as Fear and Acceptance (pp. 1 -49);  Y Ghai, Chimera of constitutionalism: State, economy, and society in Africa (unpublished, part of the reader);  Video of panel at National Endowment for Democracy (NED) on "How (Not) to Write an African Constitution: Reflections on Ghana's Current Constitutional Review" on June 8, 2011 with Kwasi Prempeh, Larry Dimond and Mar Plattner, at <a href="http://vimeo.com/album/1619135">http://vimeo.com/album/1619135</a> .	Constitutions may serve various purposes. Traditionally, constitutions are seen as instruments of limiting governmental powers. In addition, personal and political priorities differ: for some constitutions are the nations' commitment for a better future, for others it is the supreme legal framework, etc. Gaining a mutual understanding on the different perceptions of what a constitution means to different persons is a necessary point of departure.
10:30 – 10:45	<b>Coffee Break</b>	

TIME	ACTIVITY	COMMENTS
<p><b>1.2</b> 10:45 – 11:45 Plenary</p>	<p><b>Merits and Challenges of Constitutional Borrowing</b></p> <p>‘Borrowing’ and ‘migration’ are just two metaphors used in the literature to describe trends in constitution building. These key notions will be discussed in light of experience from practice.</p> <p><b>Background reading:</b></p> <p>S. Choudhry. Migration as a New Metaphor in Comparative Constitutional Law, in: S. Choudhry (ed.) The Migration of Constitutional Ideas (2006), (pp. 1-35).</p>	<p>A central element of the course is the comparison of different constitutional options selected by different countries. As stimulating those comparisons might be in an academic sphere, if it comes to constitution building one should reflect the different effects that imported option from other countries may have. For instance, civil law institutions like a constitutional court might not fit well into the system of a country based on common law doctrine. In short: this session should highlight the importance of context in constitution building.</p>
<p><b>1.3</b> 11:45-13:00 Plenary</p>	<p><b>The influence / impact of the international community in constitution building processes</b></p> <p>Lecture and small group discussion: Participants shall exchange views in how far external institutions participated / dominated the constitution-building process in their countries and whether it had a positive / negative impact.</p> <p><b>Background reading:</b></p> <p>Ph. Dann – Z. Al-Ali: The Internationalized Pouvoir Constituant: Constitution-Making Under External Influence in Iraq, Sudan and East Timor, Max Planck Yearbook of UN Law (2006) 423 – 463.</p>	<p>Since many participants will be from African countries and the course focuses on Africa, it is worth considering the actual impact of the international community in constitution building processes. Gaining an understanding of potentially positive and negative aspects of international involvement and sharing experiences is an important prerequisite to understand the challenges of constitution building in the region.</p>
<p>13:00-14:00</p>	<p><b>Lunch Break</b></p>	

<b>Session 2: Constitution Building in Africa</b>		
<p><b>2.1</b></p> <p>14:00 – 14:45 Plenary</p>	<p><b>Constitution Building in Africa: From Decolonialization to Conflict Resolution</b></p> <p>Lecture + Group Discussion</p> <p><b>Background reading:</b></p> <p>HWO Okoth-Ogendo, Constitutions without Constitutionalism: Reflections on an African Political Paradox. D. Greenburg et. al., Constitutionalism for Democracy – Transition in the Contemporary World, OUP 1993</p> <p>HK Prempeh, ‘Africa’s “Constitutional Revival”: False Start or New Dawn?’ 5 International Journal of Constitutional Law 1 (2007)</p> <p>J van der Walt, Vertical Sovereignty, Horizontal Constitutionalism, Subterranean Capitalism: A Case of Competing Retroactivities. 26 South African Journal of Human Rights 102 (2010)</p>	<p>In Africa, the process and timing of constitution building differed considerably depending on the former colonial masters. Thus, the first part of the lecture briefly highlights the dynamics in the former British, French, and Portuguese colonies and identifies respective commonalities in those groups of countries.</p> <p>Participants will discover whether or not African countries kept the constitutional patterns / governmental systems of their colonizers. They will realize that almost all former British colonies departed from their Westminster style Lancaster Constitutions, whereas most former French / Portuguese colonies cleaved to the patterns of their former colonizers. However, hardly any of the African countries have changed their legal system despite of religion driven adjustments.</p> <p>The second part of the lecture focuses on the challenge of African countries to establish a constitutional setting within territorial boundaries that had been artificially drawn by the colonial masters. But it also highlights the nature of “home-grown” conflicts</p>
<p><b>2.2</b></p> <p>14:45 – 17:00</p> <p>Small Working Groups (with break)</p>	<p><b>Mapping Constitution-Building Processes in Africa</b></p> <p>Participants identify ongoing constitution-building processes in Africa and determine their cause</p>	<p>Participants will be encouraged to highlight each other’s attention to key themes or characteristic processes in national settings they are most familiar with.</p> <p>We expect to use knowledge generated in the mapping exercise to serve as a backdrop for group exercises in the course of the week.</p>

## DAY 2 - Tuesday

### Constitution Building Processes

TIME	ACTIVITY	COMMENTS
9:00 – 9:30 Plenary	<b>Refreshing yesterdays findings; Reflections on the results from their mapping exercise</b>	Participants will be encouraged to reflect on good practices as well as failures in the course of the mapping exercise.  This is also an opportunity to highlight matters for further discussion and later research.
<b>Session 3: Constitution Building Processes</b>		
<b>3.1</b> 9:30 – 10:30 Plenary	<b>Tasks in Constitution Building Processes</b>  Lecture + discussion  Participants will be encouraged to share examples and experiences, enriching the lessons from the mapping exercise.  <b>Background reading:</b> Y Ghai . G Galli: Constitution Building Processes and Democratization, in: International IDEA’s handbook Democracy, Conflict and Human Security: Further Readings (2006) (pp. 1 – 24).  M Brand et al. Constitution making and Reform: Options for the Process (2011) (pp. 13-30)	Revising a constitution or drafting a new one is a difficult putting different questions on the table, such as:  resources; sequencing the process; deadlines; agreeing on an agenda for constitutional reform; the form of the agreement; scope of reform: Interim, minimal, or complete?; actors and public participation; deadlock-breaking mechanisms; drafting the constitution; debating the draft constitution; enacting the constitution; implementing the constitution.  Since there won’t be sufficient time to discuss all those issues in detail, the purpose of this part is to highlight the complexity of a constitution building process.
10:30 – 10:45	<b>Coffee Break</b>	

TIME	ACTIVITY	COMMENTS
<b>3.2</b> 10:45 – 11:45 Plenary	<b>Does Process matter?</b> + Text Analysis and Discussion  <b>Background reading:</b>  T. Ginsburg et al. “Does the Process of Constitution-Making Matter?” Annu. Rev. Law Soc. Sci. 2009. 5:201–23	There is much speculation but relatively little evidence about the impact of different design processes on constitutional outcomes.
<b>3.3</b> 11:45-13:00 Plenary	<b>Public Participation in Constitution Building Processes</b>  Lecture and discussion  <b>Background reading:</b>  J. Simpkins: The Role of Constitution-building Processes in Democratization, A Nigerian Case Study (2005)  Y Ghai . G Galli (see above under 3.1.)	This part discusses the different ways, options, and challenges of including “the people” into the process of constitution building. It highlights both, the need for participation to increase legitimacy, and the challenge to keep the participation focused on the actual constitutional issues.
13:00-14:00	<b>Lunch Break</b>	

TIME	ACTIVITY	COMMENTS
<p><b>3.4</b> 14:00 – 17:00 Group work + Plenary (with break)</p>	<p><b>Group Work on the vices and virtues of consensus building</b></p> <p>Consensus building to resolve conflicts has been widely used to settle power conflicts in Africa, more often than note to the effect of worrisome results.</p> <p><b>Background reading:</b></p> <p>B. Onuoha: Power, conflict and consensus building in Africa: Ideology revisited, 11 (2) African Journal on Conflict Resolution (2011)</p>	<p>All groups will be requested to tackle and respond to Onuoha’s most challenging argument in light of lessons from the mapping exercise. Groups will convene to match and discuss their responses in a plenary session.</p>

## DAY 3 - Wednesday

### Substantive Issues

TIME	ACTIVITY	COMMENTS
9:00 – 9:30 Plenary	<b>Refreshing yesterday's findings</b>	
<b>Session 4: Institutional Structures – The Systems of Government</b>		
<b>4.1</b> 9:30 – 10:30 Plenary	<p><b>Systems of Government – In how far are they able to direct the actual power game?</b></p> <p>Lecture</p> <p><b>Background reading:</b> IDEA, A Practical Guide to Constitution Building – The Design of the Executive Branch (2011), 3-10.</p> <p>M. Akech, “Constraining Government Power in Africa,” <i>Journal of Democracy</i> 22, no. 1 (2011): 97-98</p>	<p>Many textbooks suggest that a specific system of government may direct governmental dynamics and powers in one way or the other. Analyzing different countries in Africa, this part tests in how far those perceptions hold true in reality.</p>
10:30 – 10:45	<b>Coffee Break</b>	
<b>4.2</b> 10:45 – 11:45 Plenary	<p><b>Design options for the Executive: Deconcentration of Executive Powers</b></p> <p>Lecture and discussion</p> <p><b>Background reading:</b> CM Fombad: The Separation of powers and Constitutionalism in Africa: The Case of Botswana, 25 B.C. Third World L.J. 301(2005)</p>	<p>One central challenge in the African context is the overly strong, often authoritarian executive powers in a country. This part offers different options how to deconcentrate / check on executive powers.</p>



TIME	ACTIVITY	COMMENTS
<p><b>4.3</b></p> <p>11:45-13:00 Plenary</p> <p>Group discussion</p>	<p><b>Design options for the Legislature</b></p> <p>Lecture and discussion</p> <p><b>Background reading:</b></p> <p>J Kivuva: Restructuring the Kenyan State (WP no.1)</p>	<p>Representation of the people of a country should be inclusive, especially in fragmented societies like in Africa. This part addresses a) ways of designing the composition of the legislature through electoral systems, reserved seats, candidate quotas, etc. b) advantages and challenges of a 2<sup>nd</sup> legislative chamber.</p>
<p>13:00-14:00</p>	<p><b>Lunch Break</b></p>	
<p><b>4.4</b></p> <p>14:00 – 17:00</p>	<p><b>Group Work on Taming the Executive</b></p> <p>Participants will receive a hypothetical case-scenario inspired by and synthesizing the experience of a number of countries such as but not limited to South Africa, Nigeria, Ethiopia, and Ghana where the dominance of the executive branch of government and particularly that of the head of the executive has been too excessive. The scenario will highlight how the executive undermines the autonomy of the legislature as well as the independence of the judiciary and other democracy-supporting institutions.</p>	<p>Participants will be asked to propose concert measures of reforming such constitutional systems and ensuring the proper balance of power by revitalizing the system of checks and balances. The objective of the exercise will be to enhance the participants’ understanding of the mechanisms of horizontal accountability and the constitutional conditions required for their proper functioning.</p>

## DAY 4 - Thursday

### Substantive Issues

TIME	ACTIVITY	COMMENTS
9:00 – 9:30 Plenary	<b>Refreshing yesterday's findings Reflections on the group project</b>	
<b>Session 5: Centralized and Decentralized Forms of Government</b>		
<b>5.1</b> 9:30 – 10:30 Plenary	<p><b>Objectives of Decentralization</b></p> <p>Lecture</p> <p><b>Background readings:</b></p> <p>D. Elazar: Federalism and Consociational Regimes, 15 (2) <i>Publius</i> 17-34 (1985)</p> <p>U. Ukiwo: Politics, ethno-religious conflicts and democratic consolidation in Nigeria, 41(1) <i>Journal of Modern African Studies</i> 115 - 138 (2003)</p>	<p>Decentralization generally serves two different objectives: a) bringing the government closer to the people insofar as services that can be effectively provided by local levels of government should fall in their responsibility; b) constructing a government structure in which diverse groups can live together peacefully and to allowing stakeholders representing a minority to identify their space in the system. Both components are briefly introduced.</p>
10:30 – 10:45	<b>Coffee Break</b>	

TIME	ACTIVITY	COMMENTS
<p><b>5.2</b> 10:45 – 11:45 Small Groups</p>	<p><b>The positive and negative effects of decentralization</b></p> <p>Group discussion</p> <p>Participants will form small groups and identify the positive and negative effects of decentralization.</p>	<p>Despite all good intentions, decentralization can not only cause positive effects, but also negative ones, aggravating tensions. It is important to be aware of both, while drafting a constitution</p>
<p><b>5.3</b> 11:45-13:00 Plenary</p> <p>Group discussion</p>	<p><b>Federalism as a specific form of decentralization</b></p> <p>Lecture and discussion</p> <p><b>Background reading:</b></p> <p>D. Habelstram: Federalism: Theory, Policy, Law, in: M. Rosenfeld – A. Sajo (eds): The Oxford Handbook of Comparative Constitutional Law (2012)</p> <p>Y. Fessha: Ethnic Diversity and Federalism: Constitution making in South Africa and Ethiopia (2010) (excerpts)</p>	<p>Federalism is a specific model of decentralization, but comes in two very distinct forms: Originally, as emerged in the US and later on in Switzerland and Germany, independent states came together to merge to a new one (coming together federalism). The other form relies on federalism as a means to keep a country together, preventing it from falling apart. Distinguishing between the two and understanding the different perspectives is crucial and part of this lecture.</p> <p>Furthermore, chances and limits of federalism as only one option of decentralization should be clearly acknowledged, otherwise one might opt for federalism although other models might fit better in a given context (e.g. the Tanzania mainland – Zanzibar model).</p>
<p>13:00-14:00</p>	<p><b>Lunch Break</b></p>	

TIME	ACTIVITY	COMMENTS
<p><b>5.4</b> 14:00 – 17:00</p> <p>Group work (with break)</p>	<p><b>Group Work Beyond the Genius of Unity</b></p> <p>Participants will receive a hypothetical-case scenario arising from a break down of the democratic process after a seriously flawed and disputed election (inspired by Côte d'Ivoire, Kenya, Zimbabwe, Angola). The details of the scenario will indicate the interest groups backing the contestants and their core interest on which neither party is willing to compromise.</p>	<p>Participants will be asked to suggest constitutional designs/mechanisms which will secure the non-negotiable interests of the incumbent and at the same time will ensure that effective political power will be transferred to the winner of the election. The objective of the exercise will be to help students explore constitutional ways of resolving post-election conflicts <i>apart from</i> forming unity governments.</p>

## DAY 5 - Friday

### Substantive Issues

TIME	ACTIVITY	COMMENTS
9:00 – 9:30 Plenary	<b>Refreshing yesterday's findings Reflections on the group project</b>	
<b>Session 6: Human Rights</b>		
<b>6.1</b> 9:30 – 10:15 Plenary	<p><b>The Concept and Dimensions of Human Rights</b></p> <p>Lecture and discussion <b>Background reading:</b></p> <p>P. Andrews: Incorporating International Human Rights Law in National Constitutions: ! A South African Experience, Miller &amp; Bratspies (Eds), Progress in International Law (2009), pp. 835–854</p> <p>K. Asmal: The South African Constitution and the Transition from Apartheid: Legislating the Reconciliation of Rights in a Multi-Cultural Society, 9 (2) European Journal of Law Reform 155-66 (2007)</p>	Human rights issues are at the core of post-conflict and transitional constitution building. In addition to setting constraints for the incoming government, adherence to human rights signifies the value preference of the new regime, as well as its willingness to adhere to international standards and obligations.
	<b>Coffee Break</b>	

TIME	ACTIVITY	COMMENTS
<b>6.2</b> 10:30 – 11:45 Plenary	<b>Bill of Rights / Political Rights</b>  Discussion  During the session participants will be encouraged to contribute insights from constitution building processes where human rights issues became contentious.	Ensuring robust political participation in ethnically and religiously diverse societies, often characterized by deep inequalities, remains a challenge for constitution building.
<b>6.3</b>  11:45-13:00 Plenary	<b>The Long Duree of Constitution Building in Africa</b>  Lecture and discussion  <b>Background readings:</b>  H. Klug: South Africa's Experience in Constitution-Building, <i>Univ. of Wisconsin Legal Studies Research Paper No. 1157</i> (2011)  CM Fombad: Constitutional Reforms and Constitutionalism in Africa: Reflections on Some Current Challenges and Future Prospects, 59 <i>Buffalo L. Rev.</i> 1007 (2011)	On account of two general overview articles by two eminent authors who covered transitions and constitution building exercises for most of the relevant period covered by the course, participants will be invited to identify cross-cutting issues, and strengths and deficiencies in how constitution building exercises are conceptualized.
13:00-14:00	<b>Lunch Break</b>	

TIME	ACTIVITY	COMMENTS
<p><b>6.4</b> 14:00 – 17:00</p> <p>Group work (with break)</p>	<p><b>Group Work on Negotiating Diversity</b></p> <p>Participants will receive a hypothetical-case scenario of a country in which there are ethnic/religious divisions that are politically salient (inspired by and synthesizing the experience of Iraq, Nigeria, and Ethiopia etc). The scenario will show how ethnic identify has been relevant to the national politics and how ethnic tensions have at times led to violent conflict. The scenario will underscore both the resource competition/economic dimensions of the conflicts as well as struggles for cultural/identity /linguistic/religious recognition.</p>	<p>Participants will be asked to devise constitutional mechanisms that will enable the various ethnic groups to be represented at different levels of governance and transform the conflict. A related challenge to the participants will be to devise ways through which the state could give recognition to the customs and laws (as well as the traditional and religious authorities enforcing them) of various ethnic and religious groups in a manner that will not undermine the fundamental rights of minorities and vulnerable groups</p>

## DAY 6 - Saturday

### Implementation

TIME	ACTIVITY	COMMENTS
10:00 – 10:20 Plenary	<b>Refreshing yesterday's findings</b> <b>Reflections on the group project</b>	
<b>Session 7: Implementation of Constitutions</b>		
7 10:20 – 11:05 Plenary	<p>Lecture / Discussion</p> <p>J Cotrell and Y Ghai, <b>Maintaining the Role of a Constitution</b>. International IDEA, Creating the New Constitution – A Guide for Nepali Citizens, Stockholm 2008, 249-264.</p> <p>P Burnell, <b>The Relationship of Accountable Governance and Constitutional Implementation, with Reference to Africa</b>. In: Journal of Politics and Law, Vol. I No. 3 (2008), 10-24.</p>	<p>It is one thing to make a constitution. It is quite another to breathe life into a constitution—to have it become a living, vibrant document that is used for effective governance, for controlling the exercise of state power, and for promoting the values and aspirations expressed in the constitution, to have it become a powerful tool that is used by the people to improve their lives. The fortunes of a constitution are shaped by many factors: personalities and elites, political parties and other organizations, social structures, economic changes, traditions of constitutionalism—and by the rules and institutions in the constitution itself. (Cotrell/Ghai)</p> <p>This session briefly discusses factors that influence the fortunes of a constitution and how its objectives can be achieved, including the role of independent institutions, or constitutional interpretation, of protective mechanisms, and of constitutional amendments.</p>
11:05 – 11:15	<b>Coffee Break</b>	



TIME	ACTIVITY	COMMENTS
<b>Session 8: Conclusion</b>		
<b>8.1</b> 11:15 – 12:00	<b>Summary of lessons learned</b> In addition to collecting comments on participants' impression and experiences during the course, facilitators will seek reflections from participants on how they plan to build on the experiences gained during the course in their future work and research.	
<b>8.2</b> 12:00 – 12:45 Plenary	<b>Course evaluation</b>  Participants will be requested to fill out evaluation forms.	
13:00-14:00	<b>Closing lunch</b>	

## SELECT FURTHER BACKGROUND READINGS

### ON CONSTITUTIONALISM AND CONSTITUTION-MAKING IN AFRICA

#### (1) Books

Okon Akiba, **Constitutionalism and society in Africa** (Ashgate Publishing, Ltd., 2004)

Francis M. Deng et al., **Identity, diversity, and constitutionalism in Africa** (United States Institute of Peace Press, 2008).

Göran Hydén and Denis Venter, **Constitution-making and democratisation in Africa** (Africa Institute of South Africa, 2001)

Julius O Ihonvbere, "Constitutionalism and Governance in Africa," in **Sustainable development in Africa: a multifaceted challenge**, ed. Okechukwu Ukaga and Osita George Afoaku (Africa World Press, 2005), 97-117

Julius O Ihonvbere, "**How to make an undemocratic constitution: The Nigerian example**," *Third World Quarterly* 21, no. 2 (2000): 343-366.

Makau Mutua, **Kenya's quest for democracy: taming leviathan** (L. Rienner Publishers, 2008)

Joseph Oloka-Onyango, **Constitutionalism in Africa: creating opportunities, facing challenges** (Fountain Publishers, 2001)

H.W.O. Okoth-Ogendo, "**Constitutions without constitutionalism: reflections on an African political paradox**" (Southern African Political Economy Series Trust, 1991)

Susanna D. Wing, **Constructing democracy in transitioning societies of Africa: constitutionalism and deliberation in Mali** (Palgrave Macmillan, 2008).

#### (2) Readings available in the internet

S. Adelman, **Constitutionalism, Pluralism and Democracy in Africa**. In: *Journal of Legal Pluralism* Vol. 42 (1998), 73 – 88. Available at: <http://www.jlp.bham.ac.uk/volumes/42/adelman-art.pdf>

M. Akech, **Constraining Government Power in Africa**, *Journal of Democracy* 22, no. 1 (2011): 96-106. Available at: [http://muse.jhu.edu/journals/journal\\_of\\_democracy/v022/22.1.akech.html](http://muse.jhu.edu/journals/journal_of_democracy/v022/22.1.akech.html)

M. Brand et al., **Constitution making and Reform: Options for the Process** . Available at: <http://www.constitutionmakingforpeace.org/the-constitution-making-handbook>

P. Burnell, **The Relationship of Accountable Governance and Constitutional Implementation, with Reference to Africa.**

Available at:

[http://www.google.ch/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCMQFjAA&url=http%3A%2F%2Fwww.ccsenet.org%2Fjournal%2Findex.php%2Fjpl%2Farticle%2Fdownload%2F715%2F686&ei=bI9AUI\\_1A4vEswbzg4G4DA&usg=AFQjCNEc3h\\_kUVvFB795IJtFOUvTRmgu\\_Q](http://www.google.ch/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCMQFjAA&url=http%3A%2F%2Fwww.ccsenet.org%2Fjournal%2Findex.php%2Fjpl%2Farticle%2Fdownload%2F715%2F686&ei=bI9AUI_1A4vEswbzg4G4DA&usg=AFQjCNEc3h_kUVvFB795IJtFOUvTRmgu_Q)

M. Böckenförde, **A Practical Guide to Constitution Building: The Design of the Legislature.** International IDEA, Stockholm 2011.

Available at: <http://www.idea.int/publications/pgcb/upload/CB-Handbook-Chapter-5-LOW.pdf>

M. Böckenförde, **A Practical Guide to Constitution Building: The Design of the Executive Branch,** International IDEA, Stockholm

2011. Available at: <http://www.idea.int/publications/pgcb/upload/CB-Handbook-Chapter-4-LOW.pdf>

M. Böckenförde, **A Practical Guide to Constitution Building: Decentralized Forms of Government.** International IDEA, Stockholm

2011. Available at: <http://www.idea.int/publications/pgcb/upload/CB-Handbook-Chapter-7-LOW.pdf>

J. Elster, **Forces and Mechanisms in Constitution Making Processes,** 45 Duke L.J. 1995-1996, 364-396. Available at: <http://www.cui-zy.cn/Recommended/%E5%AE%AA%E6%94%BF%E4%B8%8E%E6%B0%91%E4%B8%BB/ElsterConstitutionMaking.pdf>

C. M. Fombad and Christina Murray (eds.), **Fostering Constitutionalism in Africa,** Pretoria University Law Press (PULP) 2010. Available at: [www.pulp.up.ac.za/pdf/2010\\_09/2010\\_09.pdf](http://www.pulp.up.ac.za/pdf/2010_09/2010_09.pdf)

C. M. Fombad, **Constitutional Reforms and Constitutionalism in Africa: Reflections on Some Current Challenges and Future**

**Prospects,** 59 Buffalo L. Rev. 1007 (2011). Available at (manuscript): <http://repository.up.ac.za/bitstream/handle/2263/16941/Fombad-paper-2011.pdf?sequence=1>

Y. Ghai, **The Constitution Reform Process: Comparative Perspectives.** Available at: <http://www.idea.int/news/upload/Nepal%20%20workshop%20paper%20-%20Yash%20Ghai.pdf>

Y. Ghai, **Chimera of constitutionalism: State, economy, and society in Africa.** Available at:

[http://web.up.ac.za/sitefiles/file/47/15338/Chimera\\_of\\_constitutionalism\\_vg1.pdf](http://web.up.ac.za/sitefiles/file/47/15338/Chimera_of_constitutionalism_vg1.pdf)

Y. GhaiG. Galli: **Constitution Building Processes and Democratization,** International IDEA, Stockholm 2006. Available at:

[http://www.idea.int/publications/cbp\\_democratization/index.cfm](http://www.idea.int/publications/cbp_democratization/index.cfm)

J. Go, **Modeling the State: Postcolonial Constitutions in Asia and Africa,** *Southeast Asian Studies,* Vol. 39, No. 4, March 2002, 558-

583. Available at: [http://www.google.ch/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCMQFjAA&url=http%3A%2F%2Fkyoto-seas.org%2Fpdf%2F39%2F4%2F390407.pdf&ei=apBAUOGdDZHJswa4q4DoCw&usg=AFQjCNGNRXCXE2J4BMPqP4GGnMvZrStx\\_Q](http://www.google.ch/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCMQFjAA&url=http%3A%2F%2Fkyoto-seas.org%2Fpdf%2F39%2F4%2F390407.pdf&ei=apBAUOGdDZHJswa4q4DoCw&usg=AFQjCNGNRXCXE2J4BMPqP4GGnMvZrStx_Q)

H. K. Prempeh, **Presidents Untamed**, in: Journal of Democracy 2008, No.2, 108-124. Available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1324027](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1324027)

A. Sachs et al., **Writing Autobiographies of Nations - A Comparative Analysis of Constitutional Reform Processes**. Available at: [www.nimd.org/document/1125](http://www.nimd.org/document/1125)

D.N. Posner and D.J. Young, **The Institutionalization of Political Power in Africa**, Journal of Democracy Volume 18, Number 3 July 2007, 126-140. Available at: <http://web.mit.edu/posner/www/papers/PosnerYoung.pdf>

C. M. Fombad, **Constitutional Reforms and Constitutionalism in Africa: Reflections on Some Current Challenges and Future Prospects**, Buffalo Law Review Buffalo Law Review 59 (2011). Available at <http://repository.up.ac.za/bitstream/handle/2263/16941/Fombad-paper-2011.pdf?sequence=1>

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