

Judicial review and democratization in francophone West Africa – a comparative constitutional law analysis

Project Background

- After World War II judicial review of constitutionality has expanded around the world. Starting with the political liberalization of the early 1990s the establishment of centralized institutions with judicial review power (in form of courts or councils, see map) has become a fundamental element of democratic constitutional reforms in Africa.
- Most of these jurisdictions have thus been (re-) designed in the light of democratic transition and consolidation.
- French constitutional models of the Gaullist Fifth Republic have influenced constitution-making in francophone Africa.
- Francophone Africa has not featured significantly in European and international research (outside of francophone academia).

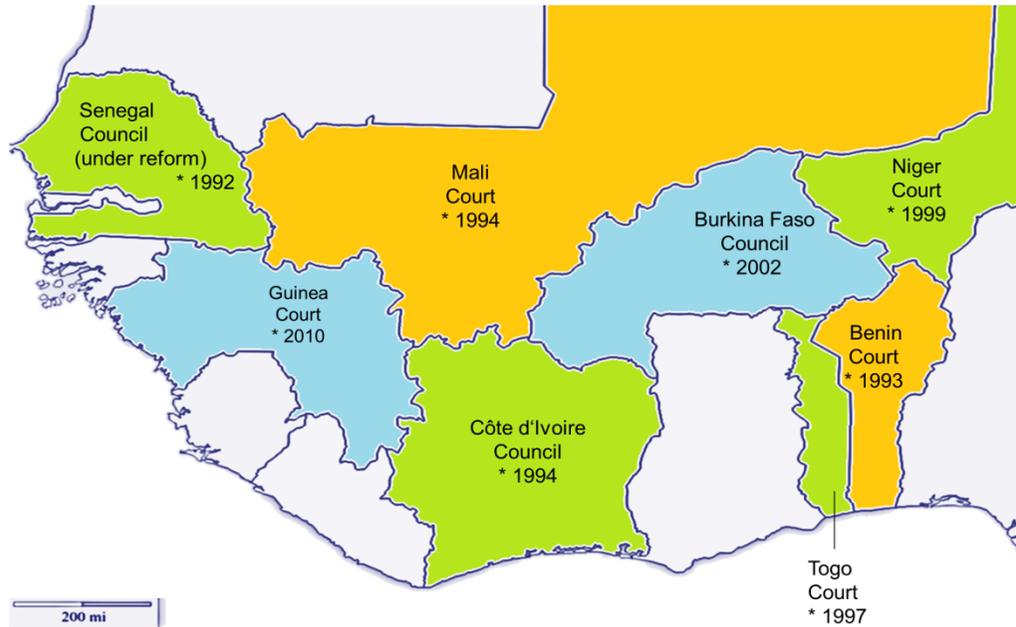
Main Arguments

- The context of political transition and the revival of constitutionalism formed a basis for effective judicial review to prosper in Africa.
- By designing jurisdictions with evolved features many states went further than the French model of a *Conseil Constitutionnel*, so that powerfully equipped constitutional courts could emerge in some countries.
- Effective judicial review can facilitate conflict resolution and add to the stability of the constitutional and political order.
- The West African experience provides valuable insights for comparative research on judicial review institutions and comparative constitutionalism worldwide.

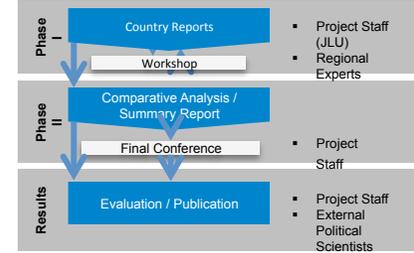
Objectives/Expected results

To collect and document information and material	Compilation of comparable country reports
To make material and findings available for research and society	Analysis of cross-cutting issues
To contribute to comparative research on judicial review institutions and democratization as well as to Africa-related legal research	Assessment of correlations between effective judicial review and democratization

Specialized judicial review in francophone West Africa
(Constitutional Court or Constitutional Council)
with year of establishment



Project Structure



Country Reports - Questionnaire

- I. Historical and political context
 - Historical and political development
 - International influences
- II. Institutional foundations
 - Model
 - Composition of the Court/ Council etc.
- III. Competences
 - Powers of the Court
 - Binding effect of decisions etc.
- IV. Role in stabilization and conflict resolution
- V. Assessment

Cross-cutting Studies

In phase II, cross-cutting themes relevant to democratization will be considered and a final report edited.

The cross-cutting studies focus on selected aspects of judicial review in the countries under study. The different mechanisms will be compared and schematized. Ultimately, the studies will identify general trends and perspectives in the development of effective judicial review mechanisms in francophone West Africa.

Further reading

B. Kante, Models of Constitutional Jurisdiction Francophone West Africa Journal of Comparative Law (2008), p.158; I.Diallo, À la recherche d'un modèle africain de justice constitutionnelle, Annuaire international de justice constitutionnelle 20, (2004), p.93; Y. Ngenge, International Influences and the Design of Judicial Review Institutions on Francophone Africa (forthcoming)

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