

VRÜ | WCL

Verfassung und Recht in Übersee World Comparative Law

Managing Editors

Fabia F. Carvalho
Philipp Dann
Michael Riegner

Editorial Board

Jürgen Bast
Brun-Otto Bryde
Aparna Chandra
Martha Gayoye
Anuscheh Farahat
Isabel Feichtner
James Fowkes
Michaela Hailbronner
Florian Hoffmann
Heinz Klug
Axel Tschentscher
Arun Thiruvengadam

Symposium: Towards an Endogenous African Constitutionalism and Legitimate Government: Rethinking the Foundations of Constitutional Law in Africa edited by Adem Abebe, Abdou Khadre Diop and Johannes Socher

Jorge Carlos Fonseca

Prefácio: Da Ilha ao Continente – Perspectivas para o Constitucionalismo Africano a partir de Cabo Verde, com base em uma Experiência Pessoal de Vida Política

Seema Shah | Alexander Hudson

An African Model of Democracy?

Paule Suzanne Ngo Nguimbous

Autochtonie et Démocratie, entre Tradition et Modernité

Aubran Donadoni Ntolo Nzéko

La Cour Africaine des Droits De L'homme et des Peuples: Une Solution aux Contestations des Élections en Afrique

Moustapha Ndiaye

La Constitutionnalisation de l'Ethnie dans les États d'Afrique Subsaharienne de Succession Coloniale Française

Satang Nabaneh

The Colonial Architecture of Exclusion

Jan Erk

Recognising and Empowering Homegrown Constitutionalism

3 2025

58. Jahrgang
Seite 261–475
ISSN 0506-7286



Nomos

Begründet von Prof. Dr. **Herbert Krüger** (†)

Managing Editors

Prof. Dr. **Fabia Fernandes Carvalho**, Fundação Getulio Vargas São Paulo, Prof. Dr. **Philipp Dann**, Humboldt-Universität zu Berlin, Prof. Dr. **Michael Riegner**, Universität Erfurt

Editorial Board

Prof. Dr. **Jürgen Bast**, Justus-Liebig-Universität Gießen, Prof. Dr. **Brun-Otto Bryde** (em.), Justus-Liebig-Universität Gießen, **Aparna Chandra**, National Law School of India University, **Martha Gayoye**, Keele University, Prof. Dr. **Anuscheh Farahat**, Friedrich-Alexander-Universität Erlangen-Nürnberg, Prof. Dr. **Isabel Feichtner**, Julius-Maximilians-Universität Würzburg, Prof. Dr. **James Fowkes**, Universität Münster, Prof. Dr. **Michaela Hailbronner**, Justus-Liebig-Universität Gießen, Prof. Dr. **Florian Hoffmann**, Pontificia Universidade Católica do Rio de Janeiro, Prof. **Heinz Klug**, University of Wisconsin-Madison, Prof. Dr. **Axel Tschentscher**, Universität Bern, Prof. Dr. **Arun Thiruvengadam**, National Law School of India University

Beirat: Prof. Dr. **Rodolfo Arango**, Bogota, Prof. Dr. **Moritz Bälz**, Frankfurt, Prof. Dr. **Ece Göztepe**, Ankara, Prof. Dr. **Kittisak Prokati**, Bangkok/Fukuoka, Prof. Dr. **Atsushi Takada**, Osaka

Schriftleitung: Prof. Dr. Michael Riegner, Email: michael.riegner@uni-erfurt.de

Inhalt / Table of Contents

SYMPOSIUM

Adem Abebe, Abdou Khadre Diop, Johannes Socher

Towards an Endogenous African Constitutionalism and Legitimate Government:
Rethinking the Foundations of Constitutional Law in Africa 263

Jorge Carlos Fonseca

Prefácio: Da Ilha ao Continente—Perspectivas para o Constitucionalismo Africano
a partir de Cabo Verde, com base em uma Experiência Pessoal de Vida Política ... 270

Seema Shah, Alexander Hudson

An African Model of Democracy? Evidence from Treaties and Frameworks,
Constitutional Preambles, and Public Opinion 279

Paule Suzanne Ngo Nguimbous

Autochtonie et Démocratie, entre Tradition et Modernité: Le Compromis
Africain, l'Exemple du Cameroun 306

Aubran Donadoni Ntolo Nzéko

La Cour Africaine des Droits De L'homme et des Peuples: Une Solution aux
Contestations des Élections en Afrique 328

Moustapha Ndiaye

La Constitutionnalisation de l'Ethnie dans les États d'Afrique Subsaharienne de
Succession Coloniale Française 350

Satang Nabaneh

The Colonial Architecture of Exclusion: The Personal Law Exemption and the Institutionalisation of Gender Subordination in West Africa and the Caribbean 369

Jan Erk

Recognising and Empowering Homegrown Constitutionalism: The Challenges and Opportunities Accompanying the Changing Global Order 390

ARTICLES / ABHANDLUNGEN

Giovanni Martins de Araújo Mascarenhas, João Paulo Lordelo, Geisa Cunha Franco, Jessica Lima Rocha, Sophia Fonsêca Morais

Reconciling Opposites: The Original Conflict on Mining, Indigenous Lands and Development 408

Tomasz Milej, Alvin Kubasu

East African Court of Justice and the Supreme Court of Kenya – A Case of Two Judicial Monologues 435

BOOK REVIEWS / BUCHBESPRECHUGEN

Simon Butt, Judicial Dysfunction in Indonesia (Abdul Halim) 465

Tom Daly and Dinesha Samararatne (eds.), Democratic Consolidation and Constitutional Endurance in Asia and Africa: Comparing Uneven Pathways (Surbhi Karwa) 470