

# **MERIT FOR AFRICA**

**A MERIT-BASED CONSTITUTIONAL  
GOVERNANCE MODEL  
FOR AFRICAN COUNTRIES**

**“Africa Forever!”**  
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## Author's Note

I did not begin writing this book as an attempt to draft a constitution. In fact, the origin of this work lies in a more fundamental question. The questions were: “Why can some states build strong institutions while others fail to achieve institutional stability despite similar efforts?” and “Why do well-intentioned reforms often produce short-term successes yet fail to generate sustainable transformation in the long run?”

When governance debates across Africa are examined over the years, it becomes clear that the same problems repeatedly emerge in different countries. New constitutional processes, reform packages, and political transitions have generated hope; however, in many cases, the underlying logic of the system has remained unchanged. This observation led me to believe that the problem runs deeper than leadership or political choices. Perhaps the real issue lies in how the state is designed and under which incentives institutions operate.

This book is an attempt to build a bridge between two extreme approaches frequently encountered in governance discussions. On one side stands a belief in idealistic constitutional texts; on the other, a pessimistic assumption that systems are immutable. This work argues that both perspectives are incomplete. Neither writing a new constitution alone is sufficient, nor should existing systems be accepted as unchangeable. The real need is to rethink institutional design and to construct the machinery of the state upon a merit-based balance.

“Merit for Africa” is the result of this search. The concept of merit presented here does not imply an elitist model of governance; rather, it represents a perspective that argues democratic legitimacy and institutional professionalism can coexist. The goal is not to eliminate political competition, but to develop institutional mechanisms that make public administration more predictable, transparent, and sustainable.

The model presented in this book is not a ready-made constitution that can be imposed externally upon any country. Instead, this work aims to offer a conceptual framework through which different countries can strengthen their systems while preserving their own constitutional identities. Each country possesses its own history, culture, and political reality; therefore, the solution cannot be uniform. However, there are certain principles for building strong institutions, and this book seeks to present these principles in a systematic manner.

Another reason for writing this book is to emphasize a reality often overlooked in governance debates: Good systems do not depend on the existence of good people; they emerge from institutions designed in such a way that even average individuals can produce good outcomes. Therefore, real reform is less about changing individuals and more about transforming incentives and institutional structures.

Ultimately, this work is not a guide offering definitive answers, but rather an invitation to rethink constitutional governance. If, by the end of the book, the reader has gained a different perspective on how institutions should be designed—rather than memorizing a specific model—then this book will have achieved its purpose.

# **PREFACE**

This book is not a constitutional draft prepared for any specific country. Nor should it be regarded as a manifesto advocating a single political ideology or as a normative call for reform. Rather, this work is the result of an effort to examine long-standing governance challenges across the African continent from a different perspective. Its purpose is not to add another text to existing debates, but to develop an institutional approach that invites a rethinking of constitutional governance.

African countries have undergone numerous constitutional reform experiences in the post-independence era, taking significant steps toward democratization and state-building. Despite these efforts, institutional stability, public trust, and governance quality in many countries have not reached the desired level. Although this situation is often explained through economic conditions, leadership problems, or external factors, a deeper analysis suggests that governance challenges are largely connected to institutional design and constitutional architecture.

The starting point of this book is rooted in a question frequently overlooked in governance discussions: Is the problem truly about writing a new constitution, or is it about redesigning the incentive structures embedded within existing constitutional frameworks? This work adopts the second approach and examines constitutional reform through the lens of institutional architecture rather than textual amendments.

The concept of merit stands at the center of this model. However, as used here, merit is not limited to individual talent or technical expertise. Merit is treated as a constitutional principle that ensures state institutions function according to professional standards. The balance established between democratic legitimacy and institutional professionalism forms the foundation of sustainable governance. Therefore, throughout this book, merit is not approached merely as an ethical ideal, but as an integral component of system design.

This work recognizes the diversity that exists among African countries. Historical experiences, social structures, and political traditions demonstrate that each country possesses a distinct constitutional identity. For this reason, the approach developed in this book does not present a single uniform constitutional model; instead, it proposes an adaptable and modular framework for constitutional governance. The aim is to enable each country to transition toward a merit-based and balanced governance system while preserving its own constitutional structure.

The primary motivation behind the preparation of this book has not been merely to criticize governance problems, but to develop an applicable conceptual framework. The model presented here should not be seen as a final or singularly correct solution. Rather, this work seeks to contribute to ongoing discussions on constitutional governance and to create a foundation for the development of new ideas.

Finally, this book is grounded in the belief that strong institutions are made possible not only through political will, but through properly designed systems. Leaders may change and policies may evolve; however, well-designed constitutional architecture can establish a durable structure that strengthens state capacity over time. Therefore, this work should be read not as a proposal for a new constitution for Africa, but as an invitation to redesign constitutional thinking.

# **INTRODUCTION**

The African continent represents one of the most dynamic regions in the world in terms of modern state-building and constitutional reform experiences. In the post-independence era, many countries have adopted constitutions embracing democratic values, restructured their political institutions, and initiated various reform processes aligned with development goals. Despite these efforts, however, governance quality, institutional stability, and public trust in many countries have not reached the desired level. This situation suggests that the challenges are not solely economic or leadership-based; rather, they point to deeper issues of institutional design.

Constitutions are often regarded as one of the most powerful instruments of modern states. Yet historical experience demonstrates that strong texts do not always produce strong institutions. In many countries, even when constitutions guarantee democratic principles and fundamental rights, problems such as power concentration, patronage networks, and institutional weakness persist in practice. This contradiction reminds us that a constitution is not merely a normative document but also a governance architecture.

This book approaches constitutional governance not only as a legal framework but also through the lens of institutional design and incentive structures. Its aim is not to present a ready-made constitutional draft tailored to a specific country. Instead, the book seeks to develop a model that helps African countries rethink their own constitutional systems through a merit-based and balanced governance approach. This perspective focuses less on calls to draft new constitutions and more on how existing constitutional structures can be strengthened.

One of the central arguments advanced throughout the book is that governance problems often stem from institutional incentives rather than individual actors. Issues such as corruption, concentration of power, or

economic fragility cannot be explained solely by ethical deficiencies; they are frequently the natural outcomes of poorly designed systems. Therefore, sustainable reforms require not merely changing individuals but redesigning institutions.

Within this context, the concept of merit occupies a central position. Merit does not refer solely to individual competence or technical expertise; it is treated as a constitutional principle that strengthens state capacity and professionalizes public administration. The balance between democratic legitimacy and institutional professionalism constitutes the foundation of modern governance. Systems capable of maintaining this balance achieve sustainability not only through elections but also through strong and independent institutions.

To understand governance challenges in the African context, this book brings together historical experiences, state theory, and approaches to institutional design. The initial chapters analyze why existing constitutional arrangements have failed to produce the expected outcomes, while later sections examine the theoretical and practical foundations of a merit-based governance framework. Throughout this process, issues such as economic governance, natural resource management, corruption, and power balance are evaluated from the perspective of constitutional architecture.

This work does not propose a single uniform constitutional model. Significant historical, cultural, and political differences exist among African countries. Accordingly, the approach developed in this book offers an adaptable and modular framework for constitutional governance. The objective is to enable each country to transition toward a merit-based and balanced institutional structure while preserving its own constitutional identity.

Ultimately, this book treats constitutional reform not as a matter of textual modification but as a call to rethink the operational logic of the state. In the chapters that follow, the reader will begin with an analytical

examination of the structural nature of governance challenges and ultimately arrive at the institutional architecture of a merit-based constitutional governance model. This journey should be understood less as a proposal for a new constitution and more as an invitation to redesign constitutional thinking.

# **The Problem of State and Governance in Africa**

The African continent has been one of the most dynamic regions in the world over the past half-century in terms of independence movements, democratization, economic reform, and institutional transformation. Many countries embarked on nation-state building in the post-colonial era, adopted new constitutions, and attempted to establish modern state institutions. Yet despite these efforts, state capacity, institutional stability, and governance quality in many African countries have not reached the expected level. This reality indicates that governance challenges in Africa are not superficial but structural in nature.

Governance problems are often explained solely through factors such as leadership quality, lack of economic resources, or political instability. However, a deeper analysis reveals that institutional design and constitutional architecture lie at the core of the problem. In many countries, even where constitutions incorporate democratic principles, the functioning of institutions in practice is shaped by personal relationships, patronage networks, and informal power structures. This creates a contradiction between a “strong state on paper” and a “weak state in practice.”

Post-colonial state structures constitute a critical starting point for understanding this issue. Colonial administrations typically created administrative mechanisms designed to maintain centralized control rather than inclusive institutions responsive to local societal needs. In the post-independence period, new governments often inherited these structures instead of fundamentally transforming them, adapting them to prevailing political realities. As a result, the state has frequently come to be perceived not as a public organization serving citizens but as an instrument of political power struggles.

Patronage politics has played a significant role in this process. The distribution of public offices based on political loyalty rather than merit may generate short-term political stability but weakens institutional capacity in the long run. The state apparatus can gradually shift away from being a professional structure toward becoming a system that protects the interests of specific elite groups. This dynamic not only affects economic performance but also erodes citizens' trust in the state.

To understand governance challenges in Africa, the concept of "state capacity" is also of central importance. State capacity does not merely refer to the power to enact laws or maintain security; it includes the ability to implement policies, deliver public services sustainably, and preserve institutional continuity. Strong constitutional texts alone are insufficient; they must be supported by professional and accountable institutions capable of operating effectively. Yet in many countries, a significant mismatch exists between constitutional design and institutional reality.

Another dimension of this mismatch lies in the relationship between formal and informal power structures. Although parliaments, courts, and executive bodies are formally endowed with defined powers, real decision-making processes are often shaped by political networks, economic elites, or security institutions. This dynamic weakens constitutional order in practice even when it exists in theory.

At the same time, Africa's governance story is not solely one of failure. In recent years, democratic transitions, anti-corruption reforms, and institutional modernization efforts in many countries have drawn attention. These initiatives demonstrate that reform potential exists and that properly designed institutional models can succeed. Therefore, the problem is not the absence of reform ambitions but rather the fact that reforms are often implemented in fragmented, short-term, and non-systemic ways.

At this point, a fundamental question emerges: Can governance challenges faced by African countries be resolved by drafting new constitutions, or is it necessary to redesign the institutional logic embedded within existing constitutional frameworks? This book advocates the latter approach. Its aim is not to present a ready-made constitution tailored to a specific country but to develop a constitutional governance model adaptable to diverse political and cultural contexts.

Accordingly, the following chapters examine why constitutional design in Africa has often failed to produce the expected outcomes, how merit-based governance influences state capacity, and how institutional architecture shapes governance quality. The ultimate objective is to establish the foundations of a flexible and adaptable constitutional governance approach that can be applied across the continent.

# **Why Do Constitutions Fail?**

The modern idea of a constitution emerged with the aim of limiting state power, safeguarding citizens' rights, and organizing political authority within an institutional framework. In this context, a constitution is not merely a legal document; it is also understood as a society's political contract and the foundational architecture that determines how the state operates. However, historical experience demonstrates that the mere existence of constitutional texts is not sufficient to produce good governance or democratic stability. In many countries, constitutions appear strong on paper yet remain weak in practice.

This phenomenon is particularly evident across the African continent. Although many countries have adopted modern constitutions that include human rights protections, separation of powers, and democratic mechanisms, institutional functioning often diverges from the spirit of the text. This contradiction reveals a mismatch between constitutional design and political reality. The success of a constitution depends not only on the rules written within it but also on the context and manner in which those rules are implemented.

One fundamental reason constitutions fail is the lack of alignment between institutional architecture and local political culture. Many constitutions have been created through the adaptation of models imported from different regions. Presidential, semi-presidential, or parliamentary systems may have succeeded in certain countries; however, mechanically transferring these systems to different contexts may fail to produce the expected outcomes. Constitutional institutions operate not only through legal texts but also through the political traditions and norms that support them.

Another important factor is the tension between formal and informal power relations. Institutions that are formally independent may, in practice, remain under the influence of political actors. For example, a

constitution may guarantee judicial independence; yet if appointment processes are shaped by political loyalty, that independence becomes effectively weakened. This illustrates that constitutional design must be evaluated not only in terms of the distribution of powers but also in terms of incentive structures and decision-making processes.

A further reason for constitutional failure lies in insufficient mechanisms to prevent power concentration. Even when the principle of separation of powers exists theoretically, the executive branch may dominate other institutions in practice. This situation occurs more frequently in systems characterized by strong leadership cultures. Institutional checks and balances must not only exist but also be designed to function effectively.

In addition, many constitutions lack adequate safeguards against frequent or opportunistic amendments. When constitutional texts are repeatedly altered according to the needs of political majorities, institutional stability suffers. Excessive rigidity may hinder necessary reforms, while excessive flexibility may allow short-term political interests to reshape the constitutional order. Therefore, constitutional design requires a delicate balance between flexibility and continuity.

African constitutional experiences point to another critical issue: constitutions are often treated as legal documents but not as instruments of institutional engineering. Yet in modern constitutional theory, the incentives, accountability mechanisms, and professional standards that determine how institutions function are at least as important as the protection of fundamental rights. Without merit-based appointment processes, transparent oversight structures, and independent institutional mechanisms, a constitution risks remaining merely a normative framework.

In this context, the central question emerges: Is the problem the lack of better-written constitutions, or the inadequacy of existing constitutions in terms of institutional design? This book argues for the latter. A

constitution is not merely a list of values but also a system design that regulates the distribution of power. If that design fails to consider real political behavior and institutional incentives, even the most idealistic constitution may become ineffective in practice.

Therefore, constitutional reform debates should not focus solely on expanding rights or changing system types. The essential issue lies in redesigning the mechanisms that determine how institutions operate. Building upon this perspective, the following chapter will examine state theory and the role of merit in governance quality, exploring why institutional professionalization stands at the center of sustainable reforms.

# **The Concept of Merit and** **State Theory**

One of the fundamental characteristics of the modern state is the existence of institutional structures that operate independently of personal relationships. In this context, merit is not merely a concept related to the evaluation of individual abilities; it is a defining principle for the sustainability of the state and the quality of governance. A merit-based governance approach refers to the allocation of public offices based on knowledge, competence, and professional standards rather than personal loyalty or political affiliation. This perspective occupies a central place in modern political theory as one of the key elements strengthening state capacity.

Max Weber's theory of bureaucracy provides an important reference point for understanding the institutional dimension of merit. According to Weber, the modern state differs from traditional structures based on personal authority by relying on rational-legal authority. The sustainability of this authority depends on public administration functioning in a professional, predictable, and standards-based manner.<sup>1</sup> Merit-based bureaucracy strengthens institutional memory and policy implementation capacity by limiting arbitrary decision-making processes.

In the African context, discussions of merit extend beyond administrative quality and are directly connected to political stability and social trust. In many countries, distributing public offices through patronage networks may reinforce political alliances in the short term, but it weakens institutional capacity in the long run. In systems where loyalty outweighs merit, public institutions lose professional standards,

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<sup>1</sup> Akçakaya, M. (2016). Weber'in bürokrasi kuramının bugünü ve geleceği. Gazi Üniversitesi Sosyal Bilimler Dergisi, Özel Sayı, 275

and the continuity of state policies is undermined. This dynamic reduces citizens' trust in the state and weakens democratic legitimacy.

The concept of merit is often misunderstood. Some critiques suggest that merit-based systems may become elitist or technocratic. However, the key point is that merit is not an alternative to democratic participation but its complement. Democratic processes determine who governs, while merit ensures that public administration functions professionally. These two elements are not competing mechanisms but mutually reinforcing ones. The balance between democratic legitimacy and institutional competence constitutes the foundation of modern constitutional governance.

From the perspective of state theory, merit is not limited to individual performance criteria; it is also closely related to institutional incentive structures. If constitutional and legal frameworks reward political loyalty and marginalize professional standards, the principle of merit cannot be implemented in practice. Therefore, merit goes far beyond individual ethical behavior; it is a governance mechanism that must be embedded within constitutional architecture.

Reform experiences in Africa demonstrate that fragmented implementation of merit systems produces limited results. For example, even when professional standards are improved within certain public institutions, institutional independence weakens if high-level appointment processes remain vulnerable to political intervention. This indicates that the principle of merit must be secured not only through administrative reforms but also at the constitutional level.

Another dimension of institutional professionalization is predictability and transparency in decision-making processes. Merit-based systems reduce uncertainty in public administration by relying on clear criteria rather than personal relationships. This is important not only for internal governance but also for economic development. Investor

confidence, legal predictability, and the continuity of public policies largely depend on the existence of professional institutions.

At the same time, it is clear that merit alone is not a complete solution. Without strong oversight systems and accountability mechanisms, merit-based structures may give rise to new elite formations. Therefore, merit must be considered alongside democratic balance and institutional transparency. The objective is not merely to select competent individuals but to ensure that competence is preserved within a sustainable system.

In this context, merit should be understood not merely as an ethical preference but as an institutional necessity in constitutional governance debates. Strengthening state capacity, professionalizing public administration, and ensuring political stability require placing merit-based mechanisms at the center of constitutional architecture. The following chapter will examine the implications of this approach for institutional design and explore in detail the relationship between constitutional architecture and the balance of power.

# **Balance of Power and** **Institutional Architecture**

The success of modern states is often explained through the charisma of leaders, the abundance of economic resources, or favorable geopolitical conditions. However, a deeper analysis reveals that sustainable governance rests upon institutional architecture that functions independently of individual leaders. Strong states are not built by strong individuals alone but by well-balanced institutional structures. For this reason, constitutional debates should focus not only on values or system types but also on how power distribution is designed.

Constitutional architecture determines how power is divided within the state, how institutions oversee one another, and under which incentives they operate. Traditional constitutional discussions frequently focus on categorical distinctions such as presidential versus parliamentary systems. In practice, however, this distinction is often superficial. The same system type may produce entirely different outcomes across different countries. The explanation lies not merely in the formal structure of a constitution but in the details of institutional design.

Many governance experiences in Africa demonstrate that although the principle of separation of powers is formally accepted, it often remains weak in practice.<sup>2</sup> Even when a visible distinction exists between the legislative, executive, and judicial branches, the executive frequently establishes de facto dominance over other institutions. This dynamic arises not only from political will but also from constitutional designs that lack sufficient mechanisms to prevent the concentration of power.

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<sup>2</sup> Mızrak, B. (2022). Afrika'daki devletleşme süreçlerinde yaşanan sorunlar: Sömürge öncesi ve sonrası döneme dair bir değerlendirme. *Bölge Çalışmaları Dergisi*, 1(1), 50–77.

The concept of balance of power involves not only the distribution of authority among institutions but also the balancing of incentives. If a system rewards short-term political gains more than long-term institutional stability, even the most idealistic constitution will gradually deteriorate. Therefore, constitutional design must account for human behavior and the nature of political competition. A constitution is not merely a normative document; it is also a strategic arena.

One of the most critical elements of institutional architecture is the independence of oversight mechanisms. The mere existence of oversight institutions is insufficient; they must be designed to withstand political pressure. Independent judiciaries, financial oversight bodies, and ethical review institutions are fundamental components that limit power concentration. However, if their appointment processes or budgetary dependencies remain tied to political authority, their theoretical independence loses practical meaning.

Balance of power also encompasses an invisible architecture: the transparency and predictability of decision-making processes. If decisions within the state are made through closed networks, constitutional rules remain only a formal framework. Modern constitutional design must therefore regulate not only the distribution of authority but also how processes operate. Clear criteria, transparent appointment mechanisms, and accountability tools are indispensable elements of this architecture.

Many reform initiatives focus on changing the existing system while overlooking institutional incentives. Drafting a new constitution or altering the system type produces limited effects if the problem of power balance remains unresolved. This helps explain why reforms often achieve short-term successes but fail in the long term. The issue lies not in the names of institutions but in the design logic that determines how they function.

At this point, a critical insight emerges: successful constitutional systems do not rely on the goodwill of leaders; they are designed to make it difficult even for ill-intentioned actors to capture the system. Strong constitutional architecture creates institutional balance by accounting for the imperfections of human nature. Therefore, the goal of constitutional reform should not be to cultivate ideal leaders but to establish systems capable of functioning stably even with average leaders.

Ultimately, the central question in constitutional governance debates is not which system is more democratic, but which institutional design effectively limits power concentration and produces sustainable governance. The following chapter will build on this perspective to examine economic governance and natural resource management, particularly analyzing how institutional design shapes economic outcomes within the African context.

# **Economic Governance and the** **Resource Curse**

The African continent is one of the most remarkable regions in the world in terms of natural resource wealth. Oil, natural gas, precious metals, rare minerals, and extensive agricultural lands provide many countries with significant economic opportunities. Despite this abundance, however, many resource-rich countries have faced serious challenges in achieving sustainable economic development and institutional stability. This paradox is commonly referred to in the literature as the “resource curse,” linking economic underperformance not merely to market conditions but to governance structures.<sup>3</sup>

Resource curse theory argues that natural resource abundance does not automatically generate prosperity and may, in certain circumstances, produce economic fragility and political instability. The core explanation lies in the effects of resource revenues on state structures. Resource income typically creates a concentrated and centralized flow of revenue, which can reduce the state’s need to collect taxes from citizens. When the fiscal relationship between the state and society weakens, accountability mechanisms may also deteriorate. If state financing does not rely directly on citizen contributions, the incentives for political leaders to remain accountable to the public may diminish.

Another critical issue in economic governance is rent-seeking behavior. The distribution of natural resource revenues often becomes central to political competition, creating a policy environment shaped more by revenue allocation than by economic productivity. This dynamic reduces economic diversification and weakens long-term development

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<sup>3</sup> Henri, P. A. O. (2019). Natural resources curse: A reality in Africa. Resources Policy, 63

strategies. Public policies may focus on controlling existing revenue streams rather than fostering productive sectors.

At this point, constitutional design plays a decisive role. The management of natural resources is not only an economic issue but also a constitutional one. Without constitutional guarantees for transparent resource governance, independent oversight mechanisms, and publicly accessible reporting processes, economic management becomes vulnerable to political interference. Modern constitutional governance therefore treats natural resources not merely as economic assets but as part of a society's collective heritage.

In economic governance, fiscal transparency represents a cornerstone of institutional trust. Closed budget processes or insufficient oversight of public expenditures increase corruption risks and undermine economic stability. Particularly in countries with high resource revenues, the independence of fiscal oversight institutions is of critical importance. Transparency is not merely an ethical requirement but a precondition for economic sustainability.

Resource curse debates also demonstrate the risks of shaping economic policies according to short-term political goals. High resource revenues may enable governments to implement popular short-term policies; however, such approaches can weaken long-term institutional capacity. Investments in education, infrastructure, and institutional reform may not yield immediate political gains, yet they form the foundation of sustainable development.

In this context, economic governance depends not only on the quality of economic policies but also on the institutional architecture through which those policies are implemented. Independent fiscal monitoring bodies, constitutional rules ensuring budget discipline, and mechanisms guaranteeing that natural resource revenues serve the public interest are essential elements of economic stability. Economic reforms not

embedded within constitutional design can easily be reversed within political cycles.

Reform experiences in Africa clearly demonstrate the strong relationship between economic governance and institutional design. Countries that manage resource revenues through transparent and accountable mechanisms tend to achieve higher levels of institutional trust and economic stability. Conversely, systems in which resource management becomes an instrument of political competition often experience volatile and fragile economic performance.

The central conclusion of this chapter is that economic problems are often not economic in nature but institutional. The existence of natural resources is neither inherently an advantage nor a disadvantage. What ultimately matters is the constitutional and institutional framework through which these resources are managed. The following chapter will build on this perspective by examining corruption not as an individual ethical issue but as a systemic design problem.

# **Why Is Corruption Systemic?**

Corruption is often treated as a problem of individual moral failure or leadership weakness. In public debates, anti-corruption efforts are typically framed around solutions such as stricter penalties, ethical training, or leadership change. However, historical experience and comparative political research demonstrate that corruption cannot be explained solely through individual behavior. In many countries, leaders have changed, laws have become stricter, and new institutions have been created, yet corruption has persisted as a structural and enduring problem. This reality suggests that corruption has deeper systemic roots.

From an institutional perspective, corruption is largely a product of the incentive structures within which individuals operate. When public authority is endowed with extensive powers but oversight mechanisms remain weak, the risk of corruption becomes inevitable. Similarly, when appointment processes lack transparency or conflict-of-interest rules are poorly defined, public officials may be forced to choose between personal interests and the public good. In this sense, corruption is often not the result of malicious individuals but of poorly designed institutions.

In the African context, discussions of corruption have frequently been caught between normative critiques by external actors and local political realities. Anti-corruption programs have often produced laws aligned with international standards but failed to strengthen the institutional architecture required for effective implementation. As a result, reforms have appeared successful on paper while producing limited practical impact. This demonstrates that anti-corruption efforts must be addressed not only through legal regulation but through constitutional incentive structures.

The concept of power concentration is crucial for understanding the systemic nature of corruption. Strong executive authorities combined with weak oversight mechanisms create extensive control over the

distribution of public resources. Such environments encourage rent-seeking behavior and may shift political competition away from policy development toward resource allocation. In such contexts, corruption becomes not an exceptional deviation but a natural outcome of the system itself.

One of the most common mistakes in anti-corruption reform is the assumption that creating new institutions is sufficient. Many countries have established ethics commissions, anti-corruption agencies, or oversight bodies; however, these institutions have often failed due to insufficient independence from political pressure. The effectiveness of institutions depends not only on their formal mandates but also on the constitutional guarantees that protect them.

Transparency is a critical tool in preventing systemic corruption, yet it is not sufficient on its own. Transparency mechanisms achieve real impact only when combined with independent oversight and enforcement capacity. Public disclosure of expenditures, asset declarations, or open-data initiatives may remain symbolic measures without robust monitoring processes.<sup>4</sup> Therefore, modern governance approaches treat anti-corruption efforts not as ethical appeals but as questions of institutional design.

Another important factor is the management of conflicts of interest. When areas in which public officials' personal or economic interests intersect with public decision-making are not clearly regulated, systems generate gray zones. These gray zones blur the boundaries between legal violations and legitimate behavior, leading to the normalization of corruption. Constitutionally defined ethical standards and conflict-of-interest regulations represent effective tools for reducing such ambiguities.

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<sup>4</sup> Fox, J. (2007). The uncertain relationship between transparency and accountability. *Development in Practice*, 17(4–5), 663–671

Mechanisms such as whistleblower protection are also essential components of systemic design. Without internal flows of information, corruption often remains invisible. Yet in environments where whistleblowers lack protection, individuals are reluctant to take risks, and the system loses its capacity for self-monitoring. This highlights the need for institutional safeguards that include not only punitive but also protective mechanisms.

Ultimately, when corruption is treated solely as an ethical issue, solutions remain superficial. The real solution lies in redesigning the incentive structures that shape the behavior of actors who exercise public power. A constitutional governance approach views corruption not as individual deviation but as a natural outcome of institutional design, and therefore seeks solutions through the reconstruction of constitutional architecture. The following chapter will build on this perspective by examining why adaptable constitutional models are necessary and how they can be implemented across different national contexts.

# **Why an Adaptive Constitutional Model?**

Debates on constitutional reform are often shaped around radical solutions. When governance problems deepen, the first proposal frequently put forward in many countries is to draft an entirely new constitution. The idea of a new constitution appears attractive because of its potential to offer a comprehensive solution to systemic problems. However, historical experience demonstrates that constitutional change alone does not necessarily produce institutional transformation and, in some cases, may even generate new problems. Therefore, the central question in constitutional reform debates should not be “a new constitution?” but rather “how can existing constitutional architecture be transformed?”

New constitutional processes typically occur within highly competitive political environments. Under such conditions, constitutional design may become the product of short-term political compromises rather than long-term institutional needs. While different political actors attempt to preserve their spheres of power, resulting texts may appear comprehensive in theory yet contain contradictory incentives in practice. Over time, this dynamic weakens the reform potential initially embedded within the constitution.

Furthermore, each country possesses a distinct historical, cultural, and political context. A constitutional model that succeeds in one country cannot be guaranteed to produce similar outcomes elsewhere. Presidential systems, parliamentary systems, or hybrid models may function differently depending on political traditions. This reality highlights the limitations of seeking a universal constitutional formula.

At this point, the concept of adaptive constitutional governance emerges. Rather than presenting a ready-made constitution tailored to a

single country, this approach proposes institutional principles and design modules that can be adapted to different contexts. The objective is not to abolish existing constitutional structures but to develop mechanisms that strengthen them and align them with modern governance standards.

One of the key advantages of an adaptive model is its capacity to reduce political resistance.<sup>5</sup> Radical constitutional changes often face strong opposition because they threaten existing power balances. In contrast, a modular reform approach enables gradual change in specific areas of the system, fostering institutional learning while increasing the durability of reforms. Small yet strategic design changes can, over time, create the conditions for significant transformation.

The adaptive constitutional approach also acknowledges institutional diversity. African countries differ significantly in terms of political structures, social organization, and state capacity. For this reason, a governance framework based on fixed principles but flexible implementation methods offers a more realistic solution than a uniform constitutional model. This approach seeks to balance universal norms with local realities.

This perspective is grounded in the idea that a constitution is not a static document but a living institutional system. Constitutional governance is not merely about producing texts; it is a dynamic process that determines how institutions function. Design elements such as merit-based appointment mechanisms, independent oversight institutions, and transparent decision-making processes can be integrated into various constitutional systems. Therefore, the goal of constitutional reform should not be to change the type of system but to redesign its incentive structure.

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<sup>5</sup> Prakash, S. B., & Sunstein, C. R. (2025). Radical constitutional change. *Virginia Law Review*, 111(6), 1109

The adaptive model approach views constitutional reform not as a revolution but as an evolution. Reforms develop gradually through institutional experience, social learning, and political compromise. This perspective enhances the sustainability of reforms while reducing the risk of conflict with existing constitutional arrangements.

Ultimately, drafting a new constitution is often not necessary in constitutional governance debates; what matters more is how the existing system can be redesigned. The adaptive constitutional model provides a framework that responds to this need. The following chapter will examine the concrete institutional principles of this approach and systematically outline the core components of a merit-based governance model.

# Core Principles

Models of constitutional governance are not limited to institutional design alone; they are also grounded in specific normative assumptions and a particular philosophy of governance. Every constitutional system, even when not explicitly articulated, embodies assumptions about human behavior, conceptions of power, and perspectives on the relationship between state and society. Therefore, in order to understand a merit-based constitutional governance approach, it is necessary first to examine the core principles upon which it is built.

One fundamental assumption of this approach is that the state is not merely a product of political competition. Democratic processes determine who governs, but the sustainable functioning of the state depends on professional and institutional standards. Merit-based governance views democratic legitimacy and institutional competence not as alternatives but as complementary elements. This perspective aims to establish a balance in which elections determine leadership while state capacity is sustained through professional institutions.

The second core principle is the assumption that power concentration is an inevitable tendency rooted in human nature. Historical experience demonstrates that systems lacking effective constraints on power tend toward centralization over time. Therefore, constitutional design should not rely on ideal leaders but instead anticipate the risks generated by poorly structured incentives. The merit-based model seeks to limit the use of power through institutional checks and balances rather than relying on individual intentions.

The third principle is the recognition that institutional incentives shape behavior. Ethical conduct by public officials is not solely dependent on personal values; it is also influenced by the incentives and sanctions embedded within the system. Mechanisms such as transparent appointment procedures, independent oversight institutions, and clear

performance criteria create an institutional environment that encourages appropriate behavior. In this sense, merit is not merely a call for individual virtue but fundamentally a matter of system design.

The fourth principle is adaptability. African countries display significant diversity in terms of historical experiences, social structures, and political institutions. Consequently, a single uniform constitutional solution is unlikely to be sustainable. The merit-based constitutional governance model seeks to balance universal principles with local contexts. While the core framework remains constant, implementation methods can be adapted to meet country-specific needs.

The fifth principle is the understanding that transparency and accountability constitute the foundation of institutional trust. The legitimacy of public power is derived not only from elections but also from the openness and auditability of decision-making processes. Transparency involves more than the sharing of information; it ensures that the exercise of power becomes traceable and subject to scrutiny. Without accountability mechanisms, even merit-based systems risk evolving into closed elite structures over time.

The sixth principle is long-term institutional stability. Political cycles may be short-term, but the continuity of state institutions requires long-term design. Constitutional governance seeks to establish institutional safeguards that prevent reforms from being dependent solely on particular leadership periods. This approach creates a balanced relationship between change and continuity.

Finally, the citizen occupies a central position within this model. A merit-based system aims not only to improve state efficiency but also to strengthen citizens' trust in public institutions. Trustworthy institutions enhance societal participation and enable democratic processes to function more effectively.

These core principles represent far more than a constitutional blueprint. They form the philosophical foundation of institutional design and prepare the logical framework for the merit-based constitutional governance model that will be presented in the following chapter.

# **Reading the Constitutional**

## **Governance Model**

The analyses presented throughout this book have demonstrated that governance challenges in Africa cannot be explained solely by leadership or policy choices. At the core of the problem lies the design of institutional incentives and the ways in which constitutional architecture directs the exercise of power. For this reason, the model presented in the following chapter should not be interpreted as a traditional constitutional draft, but rather as an architectural framework for constitutional governance.

Constitutions are generally understood as normative texts defining a state's identity, fundamental rights, and system of governance.<sup>6</sup> The constitutional governance model, however, moves beyond this normative framework by focusing on design principles that determine how institutions actually function. This approach is grounded in the idea that a constitution is not merely a legal document but also a system design. The objective of the model is not to write a new constitution, but to provide institutional tools that render existing constitutional structures more functional.

The architectural approach of this model rests upon three fundamental assumptions. First, political contexts vary significantly across countries; therefore, developing adaptable principles and modular institutional structures is more sustainable than proposing a single uniform constitutional blueprint. Second, governance quality depends not only on theoretical principles such as separation of powers but also on the incentive systems that shape how these principles operate in practice. Third, institutional design is not static but evolves over time.

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<sup>6</sup> McLean, I., & McMillan, A. (2009). *State of the union: Unionism and the alternatives in the United Kingdom since 1707*. Oxford University Press.

The model's architectural logic is built upon a layered structure. The first layer consists of constitutional principles and mechanisms of power balance, forming the normative foundation and defining the spirit of the constitutional system. The second layer includes institutional instruments such as merit-based appointment processes, independent oversight bodies, and transparent decision-making mechanisms. These instruments represent the operational components that shape the daily functioning of the system. The third layer encompasses implementation processes and adaptability mechanisms, enabling the integration of the model into diverse national contexts.

The architectural approach recognizes that reforms are not one-time events but continuous processes. Constitutional governance involves not only establishing new rules but also monitoring how existing rules function and adapting them when necessary. Therefore, the model should be understood not as a fixed text but as a design logic. Its aim is to transform reform into an institutional process that extends beyond a single political period.

This perspective also differs from traditional debates on constitutional reform. Reform discussions are often framed around ideological preferences or system-type debates. In contrast, the constitutional governance model focuses on how institutions can function more effectively regardless of ideological positioning. In this sense, the model offers a technical framework that can be integrated into different political systems.

Another important point when reading the model is that each design element is interconnected with others. Merit-based appointment mechanisms may have limited impact if not supported by independent oversight institutions. Similarly, transparency mechanisms may remain symbolic if not combined with accountability processes. Therefore, the model should be understood not as a collection of isolated reforms but as a system composed of mutually reinforcing institutional components.

Ultimately, the constitutional governance model presented in the following chapter is not a constitutional draft tailored to any specific country. Rather, it should be seen as a proposal for a merit-based and balanced institutional architecture capable of being integrated into different constitutional orders. The objective is to approach constitutional reform not as a textual modification but as a rethinking of institutional design.

**A Merit-Based Constitutional  
Governance Model For African  
Countries**

# **1- Fundamental Principles**

## **Principle 1: Popular Sovereignty and Constitutional Order**

Sovereignty belongs to the people and shall be exercised solely through institutions established by this Constitution, within constitutional limits and in accordance with the rule of law. No individual, authority, group, or institution may exercise powers that do not derive from the people or are not recognized by the Constitution, nor claim to exclusively represent sovereignty. The legitimacy of the State is grounded in the combined application of the will of the people, the supremacy of the constitutional order, and the principles of merit-based governance. The exercise of public power shall be constrained through separation of powers, as well as mechanisms of balance and oversight, and any violation of these limits shall give rise to constitutional responsibility. Popular sovereignty shall be realized not only through elections but also through continuous democratic participation, transparency, accountability, and constitutional review mechanisms. All organs of the State are obligated to protect and uphold this constitutional order.

## **Principle 2: Merit-Based Governance and Integrity of Public Service**

State governance shall be based on the principles of merit, competence, ethical responsibility, and public interest in order to ensure the effective, fair, and sustainable exercise of public authority. Processes concerning appointment, promotion, and removal from public office shall be conducted according to objective criteria, transparent procedures, and equal opportunity, and shall be subject to constitutional oversight. No public office may be allocated on the basis of personal loyalty, ethnic affiliation, political allegiance, or privileged relationships. Public service constitutes a neutral duty carrying responsibility toward the whole of society. State institutions are obligated to establish and

preserve institutional merit standards. Violations of the merit principle shall give rise to constitutional responsibility and shall be subject to judicial review. Within this framework, public administration shall be structured as a system that balances technical competence with democratic legitimacy in the exercise of popular sovereignty.

### **Principle 3: Rule of Law and Legal Responsibility**

All organs of the State, public officials, and individuals shall be subject to the rule of law, and no authority may be exercised without constitutional or legal basis. The exercise of public power shall be limited by pre-established, accessible, and predictable legal rules. All acts of the legislative, executive, and judicial branches shall be subject to independent judicial review, and arbitrary decisions, abuse of authority, or violations of fundamental rights shall be legally invalid. The principle of the rule of law guarantees state neutrality, equal treatment, and the right to a fair trial; no individual or institution stands above the law. This principle establishes the binding framework enabling the implementation of popular sovereignty and merit-based governance and is recognized as a fundamental condition for the preservation of constitutional order.

### **Principle 4: Separation of Powers, Balance, and Limits of Authority**

The legislative, executive, and judicial powers of the State shall be exercised by independent institutions, and no branch may assume or eliminate the constitutional powers of another. Mechanisms of mutual balance and oversight shall be established among these branches in order to prevent concentration of power and arbitrary governance. The executive branch shall operate within constitutional limits while maintaining democratic legitimacy; the legislative branch shall exercise its law-making authority within the constitutional framework; and the judiciary, through its independence, shall ensure the legality of all public acts. Relations among state institutions shall be based on cooperation and

balance. No circumstance, including states of emergency, may be interpreted in a manner that abolishes the constitutional principle of separation of powers. This principle establishes the fundamental structural framework that institutionally safeguards popular sovereignty, merit-based governance, and the rule of law.

### **Principle 5: Public Responsibility and Transparency**

All state institutions and public officials shall carry out their duties in accordance with the principles of transparency, accountability, and commitment to the public interest as an expression of popular sovereignty. The exercise of public power shall be open, reviewable, and justified; arbitrary or secret decision-making processes shall be constitutionally limited. The use of public resources, financial transactions, and administrative activities shall be subject to independent oversight mechanisms, and the right of citizens to access information shall be constitutionally guaranteed. State secrets may be protected only for purposes of national security and under narrowly interpreted exceptional circumstances. Public officials shall bear legal and financial responsibility for their actions. Abuse of office, misuse of authority, or avoidance of accountability shall constitute constitutional violations. This principle establishes openness and responsibility as fundamental standards of state governance in order to ensure the effective implementation of popular sovereignty, merit-based governance, and the rule of law.

### **Principle 6: Anti-Corruption and Integrity of Public Power**

The exercise of public power shall be permitted solely for the purpose of serving the public interest, and the use of public authority for personal gain, private advantage, political loyalty, or privileged relationships shall constitute a constitutional violation. Corruption, bribery, abuse of office,

and unlawful allocation of public resources shall be recognized as offenses against the constitutional order. State institutions shall be obligated to establish independent oversight mechanisms, transparent financial systems, and mandatory accountability procedures in order to prevent corruption. Asset declarations by public officials, prevention of conflicts of interest, and compliance with ethical standards shall fall within the scope of constitutional responsibility. No office or position may be interpreted in a manner that provides immunity against allegations of corruption. Relevant actions shall be subject to independent judicial review, and effective sanctions shall be applied to safeguard the constitutional order. This principle constitutionally guarantees the integrity of public power in order to protect popular sovereignty, merit-based governance, and the rule of law.

### **Principle 7: Equality Before the Law and Prohibition of Discrimination**

All individuals are equal before the law, and the State shall not enact or implement discriminatory regulations or practices based on ethnic origin, tribal or community affiliation, language, religion, gender, regional identity, political opinion, or any similar ground. The exercise of public authority shall adhere to the principles of neutrality and equal treatment. State institutions and public officials shall not adopt decisions that violate the principle of equality. Discriminatory acts shall be subject to constitutional review and shall be considered legally invalid.

Positive measures aimed at addressing historical inequalities and restoring social balance may be implemented in a limited and proportionate manner; however, such measures shall not be interpreted in a way that creates new systems of privilege. No individual or institution may claim a privileged legal status within the constitutional order. This principle guarantees the equal application of popular sovereignty, merit-based governance, and the rule of law.

## **Principle 8: Cultural and Social Pluralism within Constitutional Unity**

The State shall recognize and protect the cultural, ethnic, linguistic, and social diversity of society within the framework of constitutional unity. The rights of different communities to preserve, express, and develop their identities shall be guaranteed. Such diversity shall be protected in harmony with national unity, constitutional order, and the principle of equal citizenship, and no community may claim separate sovereignty or superior status outside the constitutional framework. State institutions shall be obligated to develop inclusive policies aimed at strengthening social cohesion, preventing conflict, and ensuring equal participation among different groups. Traditional or local governance structures may be recognized insofar as they do not conflict with the constitutional legal order. This principle constitutionally safeguards unity in diversity while preserving popular sovereignty, merit-based governance, and equality.

## **Principle 9: Democratic Participation and Civic Engagement**

In order to ensure the effective realization of popular sovereignty, citizens shall have the right to participate in governance through free and fair elections, referendums, constitutional participation mechanisms, and processes of public oversight. State institutions shall be obligated to establish open, accessible, and inclusive mechanisms that encourage democratic participation. Electoral processes shall be conducted by independent and impartial institutions, and no individual or entity shall possess the authority to manipulate or obstruct democratic processes. The rights of citizens to peaceful expression, association, and participation in public debate shall be constitutionally guaranteed; however, these rights shall not be interpreted in a manner that legitimizes activities aimed at abolishing the constitutional order. Democratic participation, together

with merit-based governance and the rule of law, ensures the continuous and active realization of popular sovereignty.

### **Principle 10: Sustainable Governance and Long-Term State Responsibility**

The State shall conduct its policies and public administration in accordance with the principles of social, economic, and environmental sustainability. The exercise of public power shall be guided not solely by short-term political objectives but by a strategic planning approach that safeguards the rights of future generations and the long-term welfare of society.

State institutions shall rely on scientific evidence, merit-based expertise, and transparent decision-making processes in order to ensure the protection of natural resources, the maintenance of economic stability, and the preservation of institutional continuity.

Long-term national plans shall be taken into consideration in the formulation and implementation of public policies, and such plans shall be developed in harmony with the constitutional order. No public decision shall be interpreted in a manner that clearly violates the principle of sustainability.

This principle constitutionally safeguards popular sovereignty, merit-based governance, and the rule of law together with the protection of future generations.

### **Principle 11: Public Ownership and Responsible Governance of Natural Resources**

Natural resources, including subterranean and surface wealth as well as strategic natural assets, represent the collective ownership of the people and shall be managed by the State solely on behalf of the people, in accordance with the principles of public interest and intergenerational justice. The allocation, exploitation, and use of revenues derived from

such resources shall be transparent, accountable, and subject to legal oversight.

No individual, company, or institution may claim privileged rights over natural resources beyond the constitutional order. Resource revenues shall be utilized for policies that serve the public interest, promote sustainable development, and enhance social welfare.

State institutions shall be obligated to prevent corruption in natural resource governance, protect environmental balance, and safeguard the rights of local communities. Misuse of resources or allocation causing public harm shall constitute a constitutional violation.

This principle constitutionally guarantees popular sovereignty, merit-based governance, and sustainable state responsibility within the sphere of economic sovereignty.

## **Principle 12: Supremacy of the Constitution and Binding Constitutional Order**

This Constitution shall constitute the supreme legal norm of the State, and all public authorities, institutions, and individuals — including the legislative, executive, and judicial branches — shall be bound by the constitutional order. Any law, regulation, decision, or act that contradicts this Constitution shall be deemed invalid and shall be subject to independent judicial review.

State institutions shall be obligated to protect and implement the fundamental principles of this Constitution in the performance of their duties. No public authority may be interpreted or exercised in a manner that exceeds constitutional limits.

Any attempt aimed at suspending, weakening, or abolishing the constitutional order shall be legally invalid and shall give rise to constitutional responsibility.

This Constitution represents the binding expression of the principles of popular sovereignty, merit-based governance, the rule of law, and the balance of powers, and shall serve as the ultimate standard governing all activities of the State.

## **2 - Structure of the State**

### **Principle 13: Nature of the State and Constitutional Character**

The State shall constitute a democratic and constitutional public order founded upon popular sovereignty, merit-based governance, the rule of law, and the principles of balanced powers. The organization of the State shall be structured to maintain equilibrium between central stability and local participation, and no public authority may exercise powers beyond constitutional limits.

The State shall aim to establish an inclusive political community based on equal citizenship while preserving constitutional unity within cultural diversity. The exercise of public power shall be guided by a governance model that balances democratic legitimacy with institutional merit.

The fundamental purpose of the State shall be to realize the public interest, preserve social peace, ensure sustainable development, and guarantee the continuity of the constitutional order.

### **Principle 14: Constitutional Unity and Territorial Integrity**

The State shall be founded upon constitutional unity and territorial integrity, and the indivisibility of national sovereignty shall be constitutionally guaranteed. No individual, institution, or community may claim separate sovereignty outside the constitutional order or undertake actions that undermine the unity of the State.

The administrative and governmental structure of the State may include mechanisms of local participation and regional governance; however, such structures shall not be interpreted in a manner that weakens constitutional unity.

Relations between central and local authorities shall be based on cooperation, balance, and constitutional loyalty. Local autonomy shall be exercised in harmony with the principles of national unity and equal citizenship.

State institutions shall be obligated to preserve constitutional unity while respecting cultural diversity and strengthening social cohesion.

## **Principle 15: Central and Regional Governance Structure**

State governance shall be structured to establish a balance between the constitutional responsibility of central authority and the participatory role of regional and local governance. The central government shall be responsible for safeguarding national sovereignty, coordinating general policies, and maintaining the constitutional order, while regional administrations shall contribute to the implementation of administrative and public services adapted to local needs.

Regional governance units shall operate within the constitutional framework and derive their authority from the Constitution and the law. No regional structure may exercise powers that weaken national sovereignty or constitutional unity.

Relations between central and regional institutions shall be based on cooperation, shared authority, and constitutional loyalty. Conflicts of competence shall be resolved through independent constitutional oversight mechanisms.

This principle establishes a balanced organizational model of state governance that preserves popular sovereignty, merit-based governance, and pluralism.

### **Principle 16: Local Governance and Community Representation**

Local governments shall be recognized within the constitutional order in order to ensure the grassroots implementation of popular sovereignty and to play a significant role in delivering public services responsive to local community needs. Local governing bodies shall be established and operate in accordance with democratic participation, transparency, and merit-based principles.

The State shall encourage the participation of local communities in governance and guarantee that mechanisms of local representation are inclusive. However, local authorities shall exercise their powers in harmony with national sovereignty and constitutional unity and shall not establish independent political authority outside the constitutional order.

Central and regional authorities shall be obligated to cooperate with local governments, and the distribution of competences shall be organized according to the principle of subsidiarity, ensuring that authority is exercised at the closest effective level of governance.

This principle strengthens democratic participation while preserving the integrity of the State and constitutional balance.

### **Principle 17: Recognition of Traditional Institutions within the Constitutional Order**

The State may recognize traditional leadership and community institutions as part of historical and cultural heritage within the constitutional order. Such institutions may operate to strengthen local social cohesion, preserve cultural values, and contribute to community representation.

The powers and functions of traditional institutions shall be defined by the Constitution and the law and must remain consistent with fundamental rights and freedoms, the principle of equal citizenship, and the rule of law. No traditional structure may claim constitutional sovereignty or exercise public authority outside constitutional oversight.

State institutions shall cooperate with traditional institutions while preserving constitutional unity, democratic participation, and merit-based governance principles. The recognition of traditional institutions shall be interpreted not as an alternative to the constitutional order but as a complementary element within it.

## **Principle 18: Allocation and Limitation of Constitutional Powers**

State powers shall be clearly, balancedly, and definitively distributed within the constitutional order among the legislative, executive, and judicial branches, as well as across central, regional, and local levels of governance. No public authority may exercise powers not granted by the Constitution or the law.

The distribution of powers shall be organized in accordance with effective governance, democratic participation, and merit-based public administration. Matters concerning national sovereignty shall remain under the responsibility of central authorities, while responsibilities related to local needs shall be exercised at the closest effective level of governance.

Conflicts of competence and jurisdictional disputes shall be resolved by independent constitutional oversight bodies, and no level of governance may act in a manner that eliminates the constitutional authority of another.

This principle shall be binding in order to prevent concentration of power, maintain institutional balance, and ensure the stable functioning of the constitutional order.

## **Principle 19: Cooperative Governance and Institutional Coordination**

Different levels of governance and constitutional bodies of the State shall operate in accordance with the principles of cooperation, mutual respect, and coordination in order to realize popular sovereignty and the public interest. Relations between central, regional, and local authorities shall be based on complementarity and shared responsibility rather than competition.

In the preparation and implementation of public policies, information sharing, joint planning, and institutional coherence shall be encouraged. No level of governance may act in a manner that obstructs or undermines the constitutional functioning of another.

Disputes concerning areas of competence shall primarily be resolved through mechanisms of cooperation and reconciliation; however, where necessary, independent constitutional oversight bodies shall serve as the final authority.

This principle shall be binding in order to prevent institutional fragmentation in state governance and to ensure the effective functioning of a balanced, merit-based governance model.

## **Principle 20: Constitutional Institutions for Checks and Balances**

Independent constitutional institutions shall be established to safeguard the constitutional order, maintain the principle of balance of powers, and ensure merit, transparency, and accountability in public administration. These institutions shall operate independently from the legislative, executive, and judicial branches and shall perform oversight, advisory, and balancing functions within the scope defined by the Constitution.

The structure, duties, and powers of these institutions shall be regulated by the Constitution and the law, and no public authority may act in a manner that weakens their independence or obstructs their functions.

Constitutional balance institutions shall function to prevent the abuse of public power, uphold merit standards, and ensure institutional coordination among state bodies. Their decisions and activities shall be subject to judicial review in accordance with the rule of law.

This principle ensures the sustainability of the constitutional order by maintaining a balance between democratic legitimacy and institutional merit.

## **3 - Merit Council and Merit-Based State Governance**

### **Principle 21: Constitutional Nature of the Merit Council**

The Merit Council shall be an independent constitutional body established to ensure merit-based balance in state governance, safeguard institutional continuity, and support the effective, impartial, and sustainable exercise of public power. Without replacing the legislative, executive, or judicial branches, the Council shall perform advisory, evaluative, and balancing functions that support the functioning of these organs within the constitutional framework.

The purpose of the Council is to establish an institutional balance between democratic legitimacy and technical merit, strengthen professional and ethical standards in public administration, and ensure that state policies remain aligned with long-term strategic objectives.

No political authority may abolish or direct the independent evaluative authority of the Council. The Council's activities shall be

conducted in accordance with the protection of the constitutional order, the effective realization of popular sovereignty, and the principles of the rule of law.

The Merit Council shall be recognized as a balancing and complementary organ within the constitutional system and shall operate in cooperation with democratic institutions.

## **Principle 22: Composition and Selection of Members of the Merit Council**

The Merit Council shall consist of members possessing high professional competence and ethical integrity, reflecting a balanced representation of diverse areas of expertise and social perspectives. The selection of members shall be conducted through a transparent, multi-stage process designed to minimize political influence and safeguard merit-based criteria.

Members shall be selected from a pool of candidates determined through the participation of the legislative branch, independent professional bodies, academic institutions, and constitutional balance institutions. No single body may determine the majority of the Council's composition.

Eligibility criteria shall include professional experience, independence, ethical integrity, and commitment to public service. Individuals holding active political office shall not be eligible for membership.

Members shall serve fixed terms renewed on a staggered basis in order to preserve institutional continuity and limit the impact of sudden political changes on the Council.

Removal from office shall be permitted only in cases of serious constitutional violation or ethical misconduct and shall be subject to independent judicial review.

## **Principle 23: Independence and Constitutional Guarantees of the Merit Council**

The Merit Council shall be independent in the performance of its duties from the legislative, executive, and all other public authorities, and no person or institution may directly or indirectly interfere with the Council's decision-making processes. The institutional independence of the Council shall be constitutionally guaranteed.

The Council's budget shall be protected at a level sufficient to enable it to perform its functions effectively and shall not be arbitrarily reduced or used as an instrument of political pressure.

Members of the Council shall enjoy security of tenure throughout their term of office and may be removed only in cases of serious constitutional violation, ethical misconduct, or other grave circumstances incompatible with their duties, subject to independent judicial review.

State authorities shall not obstruct the Council's access to information or its powers of examination. The Council's recommendations and evaluations shall be duly considered within the constitutional order.

This principle safeguards the functional independence of the Council in order to ensure a sustainable balance between democratic legitimacy and institutional merit.

## **Principle 24: Functions and Strategic Planning Role of the Merit Council**

The Merit Council shall contribute to the development of long-term national strategies in order to ensure institutional continuity and merit-based balance in state governance. It shall evaluate public administration standards and provide independent analysis and recommendations examining the compatibility of state policies with constitutional principles.

Without replacing the legislative or executive branches, the Council shall provide guidance regarding the effectiveness, sustainability, and merit-based integrity of public policies.

In strategic planning processes, the Council shall rely on scientific data, expert knowledge, and transparent evaluation methodologies and may propose measures to strengthen the institutional capacity of state bodies.

The Council shall identify systemic risks, structural weaknesses, and long-term threats within public administration and submit reports to the relevant authorities. Such reports shall be made publicly available, except in cases where limited confidentiality is required for reasons of national security.

The Council's functions shall remain advisory and balancing in nature and shall not be interpreted as eliminating or replacing democratic decision-making authority.

## **Principle 25: Merit Oversight in Senior Public Appointments**

Appointments to senior public offices of the state shall comply with the criteria of merit, professional competence, ethical integrity, and commitment to public service. The Merit Council shall have the authority to assess whether candidates nominated for such appointments meet the constitutional standards of merit.

The executive branch shall retain its constitutional authority to make appointments; however, the evaluation process conducted by the Council shall function as a mandatory consultative mechanism designed to ensure transparency and accountability.

The Council's evaluations shall not constitute a binding veto; nevertheless, where serious violations of merit standards are identified,

the relevant authorities shall be obliged to provide reasoned justification for their decisions.

Senior public appointment processes shall be based on publicly accessible criteria, and arbitrary or discriminatory practices shall be subject to constitutional review.

This principle safeguards professional standards within public administration by establishing a balance between democratic legitimacy and institutional merit.

## **Principle 26: Ethical Standards, Integrity, and Principles of Public Service Conduct**

Public service shall be founded upon the principles of integrity, impartiality, ethical responsibility, and commitment to the public interest. All state organs and public officials shall be obliged to avoid conflicts of interest, use public resources responsibly, and maintain public trust in the performance of their duties.

Ethical conduct standards for public officials shall be recognized as constitutional principles, and compliance with these standards shall be monitored through independent oversight mechanisms. Conflicts of interest, abuse of office, and ethical violations shall give rise to constitutional responsibility and be subject to appropriate sanctions.

The Merit Council and relevant constitutional bodies may provide guidance and evaluation aimed at strengthening ethical culture within public administration, promoting training programs, and reinforcing institutional integrity.

This principle constitutionally guarantees an ethical model of public governance that supports the principles of popular sovereignty, the rule of law, and merit-based administration.

## **Principle 27: Relationship with Democratic Institutions**

The Merit Council shall not abolish or restrict the constitutional powers of the legislative and executive branches that derive their legitimacy from democratic processes. The Council's function is to strengthen the constitutional order by contributing technical evaluation, strategic analysis, and merit-based balance to the decision-making processes of elected institutions.

While the legislative and executive branches shall take into consideration the evaluations and reports presented by the Council, they shall retain ultimate political decision-making authority. However, decisions concerning serious constitutional or merit-based violations identified by the Council must be addressed with reasoned justification.

The Council shall not replace democratic processes nor generate political will; it shall conduct its activities in accordance with the principles of transparency, impartiality, and constitutional responsibility.

This principle aims to preserve the integrity of the constitutional system by establishing a sustainable balance between democratic representation and institutional merit.

## **Principle 28: Accountability and Transparency of the Merit Council**

While maintaining its constitutional independence, the Merit Council shall conduct its activities in accordance with the principles of transparency, public oversight, and accountability. Reports, evaluations, and advisory decisions prepared by the Council shall be publicly accessible, except where limited confidentiality is required due to national security or sensitive state information.

The Council shall submit annual activity reports to the legislative body and regularly disclose its assessments regarding the implementation of merit standards within public administration.

Members of the Council shall be subject to ethical rules and conflict-of-interest regulations. Misuse of office shall give rise to responsibility under independent judicial review.

This principle ensures that the Merit Council functions as a strong yet accountable institution within the constitutional system, safeguarding the balance between democratic legitimacy and institutional merit.

## **4 - Legislative Authority**

### **Principle 29: Nature of Legislative Authority and Constitutional Role**

Legislative authority shall be exercised by Parliament, composed of elected representatives, in order to ensure the expression of popular sovereignty through democratic representation. Parliament shall perform the functions of law-making, determining public policies, and overseeing the executive branch within the framework of the constitutional order.

Legislative authority shall not be unlimited and shall be constrained by the fundamental principles of this Constitution, guarantees of human rights, the balance of powers, and the rule of law. Parliament shall not enact measures that weaken or abolish the constitutional order.

Legislative activities shall be conducted in accordance with the principles of transparency, democratic participation, and the public interest. As the representative body of the people, Parliament shall determine the general direction of the state while acting in harmony with the principles of merit-based governance.

This principle defines the role of the legislative branch by establishing a sustainable relationship between democratic representation and constitutional balance.

### **Principle 30: Composition and Structure of Parliament**

Parliament shall consist of elected representatives established to realize popular sovereignty through democratic representation and shall be structured to reflect the regional, social, and cultural diversity of society in a balanced manner.

The structure of Parliament may be unicameral or bicameral, as determined by this Constitution and relevant laws; however, in all cases the system of representation shall comply with the principles of equal citizenship, inclusiveness, and democratic legitimacy.

The electoral system shall be designed to prevent excessive concentration of power and to enable representation of diverse social groups. No electoral method shall be structured to grant constitutional superiority to any particular group or region.

Members of Parliament shall exercise their duties independently and shall act solely in accordance with the Constitution, the legal order, and the general interest of the people.

This principle aims to establish a balanced legislative structure between democratic representation, constitutional unity, and merit-based governance.

### **Principle 31: Principles of Representation and Elections**

The electoral system shall be based on the principles of equal suffrage, free competition, transparency, and democratic participation in order to ensure the fair and inclusive expression of popular sovereignty.

Representation mechanisms shall be structured to reflect, in a balanced manner, the regional, cultural, and social diversity of society.

Elections shall be conducted by independent and impartial electoral bodies, and no person or institution shall possess the authority to manipulate the electoral process or restrict the will of the electorate.

Electoral systems shall be designed to maintain a balance between proportional representation and governability, with the objective of preventing excessive concentration of power or systematic exclusion. Political representation shall be consistent with the principles of constitutional unity and equal citizenship.

The integrity of electoral processes shall be constitutionally guaranteed, and electoral disputes shall be subject to independent judicial review.

This principle aims to establish a sustainable model of representation balancing democratic legitimacy and constitutional stability.

## **Principle 32: Legislative Powers and Their Constitutional Limits**

Parliament shall possess the authority, within the constitutional order, to enact laws, determine public policies, approve the state budget, and oversee the executive branch. However, these powers shall be limited by the fundamental principles of this Constitution, guarantees of human rights, the balance of powers, and the rule of law.

Parliament shall not enact measures that abolish the constitutional order, arbitrarily restrict fundamental rights and freedoms, or disrupt the constitutional balance among state institutions.

Legislative activities shall be consistent with the principles of merit-based governance and shall not include provisions that encourage abuse of public power or weaken institutional independence.

Laws inconsistent with the Constitution shall be deemed invalid following independent judicial review and shall not be applied in accordance with the principle of constitutional supremacy.

This principle aims to establish a balanced legislative authority between democratic representation and constitutional limits.

### **Principle 33: Legislative Process and Law-Making Procedures**

The law-making process shall be based on the principles of transparency, public participation, constitutional compliance, and merit-based evaluation. Legislative proposals may be introduced by Members of Parliament, the executive branch, or other institutions authorized by the Constitution. No proposal shall be adopted without undergoing adequate stages of examination, deliberation, and public review.

Relevant parliamentary committees shall be responsible for conducting technical analysis and impact assessments during the legislative process. Where necessary, advisory opinions from the Merit Council may be sought.

The adoption of laws shall be conducted through open voting and in accordance with democratic procedures. Accelerated legislative procedures may be applied only in exceptional circumstances and with full respect for constitutional safeguards.

Adopted laws shall be subject to judicial review for constitutional conformity and shall not enter into force unless publicly promulgated.

This principle aims to establish a balance between democratic representation and responsible, high-quality legislative activity.

## **Principle 34: Parliamentary Oversight of the Executive**

Parliament shall be responsible, on behalf of popular sovereignty, for overseeing the activities of the executive branch. In this capacity, it shall possess the authority to request information, initiate investigations, establish committees, conduct budgetary oversight, and evaluate public policies implemented by the executive.

The executive branch shall be obliged to provide information requested by Parliament within constitutional limits, and decisions related to public administration shall be subject to review in accordance with the principles of transparency and accountability.

Parliamentary oversight processes shall not be used as instruments of political pressure but shall serve constitutional balance and the public interest. Oversight mechanisms shall not be abused in a manner that undermines the effectiveness of the executive.

In cases where the executive violates constitutional limits, Parliament may initiate the necessary political and legal procedures.

This principle seeks to establish a sustainable oversight relationship balancing democratic legitimacy and the separation of powers.

## **Principle 35: Public Participation in the Legislative Process**

Legislative activities shall be conducted in a manner open to public participation in order to ensure the continuous implementation of popular sovereignty. Parliament shall establish transparent mechanisms enabling citizens, civil society organizations, academic institutions, and relevant social stakeholders to submit views during the preparation and evaluation of legislative proposals.

For legislative initiatives involving significant public policies or broad societal impact, procedures such as public consultations, open committee hearings, and written submission processes shall be applied.

Public participation mechanisms shall be structured in a way that does not obstruct the effectiveness of the legislative process and shall aim to strengthen democratic deliberation.

The right of citizens to access information shall be guaranteed, and documents related to the legislative process shall be publicly available, except in cases involving national security or constitutionally limited circumstances.

This principle seeks to establish a balance between democratic legitimacy and merit-based policy-making.

### **Principle 36: Transparency, Ethics, and Integrity in Parliament**

Members of Parliament shall perform their duties in accordance with the principles of integrity, impartiality, transparency, and commitment to the public interest. Legislative activities shall be conducted through open sessions, publicly accessible records, and accountability mechanisms.

Members of Parliament shall avoid conflicts of interest and shall provide regular disclosures concerning the relationship between their financial interests and public duties. Ethical violations shall be examined by independent oversight mechanisms, and appropriate sanctions shall be applied where necessary.

Secret agreements, personal enrichment, or misuse of public power within legislative processes shall constitute constitutional violations.

Parliament shall regulate its internal ethical rules in accordance with constitutional principles, and such rules shall be publicly accessible.

This principle ensures the preservation of the democratic legitimacy of the legislative body and guarantees its function as a trustworthy representative institution within the constitutional order.

## **5 - Executive Authority**

### **Principle 37: Nature of Executive Authority and Constitutional Role**

Executive authority shall be exercised within the framework of the constitutional order for the purpose of ensuring the daily administration of the state, implementing public policies, executing laws, and guaranteeing the effective delivery of public services. The executive branch shall be bound by the principles of popular sovereignty, merit-based governance, the rule of law, and the balance of powers, and shall operate within the limits established by this Constitution.

The executive shall aim to ensure efficiency and stability in state governance by maintaining a balance between democratic legitimacy and institutional responsibility. However, no executive authority shall be interpreted in a manner that abolishes the constitutional order or undermines the independence of other constitutional organs.

The executive branch shall be subject to legislative oversight and judicial review and shall conduct its activities in accordance with the principles of transparency, accountability, and the public interest.

This principle aims to structure executive power as an effective executive organ functioning within constitutional balance.

### **Principle 38: Constitutional Role of the Head of State and the President**

The President shall serve as the Head of State representing the unity of the state and the continuity of the constitutional order. The President's

role shall include maintaining balance among constitutional institutions, contributing to the national and international representation of the state, and safeguarding the constitutional order.

The President shall not be responsible for the daily execution of executive functions and shall not exercise direct administrative authority. Duties shall be performed in accordance with the principles of neutrality, constitutional loyalty, and national unity.

The President shall possess limited powers, including reviewing the constitutional conformity of laws, returning legislation to Parliament when necessary, and acting as an arbiter during constitutional crises; however, these powers shall not be interpreted in a manner that undermines democratic will.

The powers and duties of the President shall be constitutionally limited in order to preserve the principle of balance of powers.

### **Principle 39: The Prime Minister and Executive Leadership**

The Prime Minister shall serve as the head of the executive branch and shall be responsible for the daily administration of the state, the implementation of public policies, and the effective delivery of public services. The Prime Minister and the government shall bear political responsibility before Parliament and shall perform their duties in accordance with the constitutional order, the principles of merit-based governance, and the rule of law.

The Prime Minister shall form the Council of Ministers, coordinate public administration, and exercise executive powers within the framework of the Constitution and the law. Executive activities shall be subject to parliamentary oversight and judicial review.

The powers of the Prime Minister shall be limited in order to preserve constitutional balance, and no executive decision shall be implemented

in a manner that violates the fundamental constitutional principles or undermines the independence of other constitutional organs.

This principle aims to establish a model of executive leadership that balances democratic legitimacy with effective governing capacity.

## **Principle 40: Formation and Structure of the Government**

The Government shall be formed under the leadership of a Prime Minister selected from within Parliament following democratic elections and shall be responsible for the execution of public administration as the executive organ. The Prime Minister shall assume office upon securing the confidence of the parliamentary majority and shall form the Council of Ministers in accordance with constitutional principles.

The selection of ministers shall comply with the criteria of merit, professional competence, and commitment to the public interest, and may, where necessary, be subject to consultative evaluation by the Merit Council.

The Government shall assume its duties upon receiving a vote of confidence from Parliament and shall remain politically accountable to Parliament throughout its term. In cases of loss of confidence, procedures for the reconstitution of the government shall be implemented in accordance with the Constitution and relevant laws.

The formation of the Government shall be conducted through transparent and constitutional procedures designed to preserve state stability and democratic legitimacy.

## **Principle 41: Executive Powers and Constitutional Limits**

The executive branch shall possess the authority to take necessary decisions for the implementation of laws, execution of public policies,

management of public services, and administration of state operations. However, these powers shall be limited by the fundamental principles of this Constitution, guarantees of human rights, the balance of powers, and the rule of law.

The executive shall not assume the powers of the legislative branch nor act in a manner that undermines judicial independence. Executive decisions shall be taken in accordance with the principles of transparency and accountability and shall remain subject to parliamentary oversight and independent review mechanisms.

Arbitrary use of public authority or practices that weaken the constitutional order or violate merit-based governance shall constitute constitutional violations.

This principle aims to establish a balanced executive model between effective governance and constitutional limitation.

## **Principle 42: Accountability of the Executive to Parliament**

The executive branch shall bear political and institutional responsibility before Parliament as a requirement of democratic legitimacy. The Prime Minister and the Government shall be obliged to regularly inform Parliament regarding their activities, policies, and decisions related to public administration and shall remain subject to oversight.

Parliament may exercise constitutional instruments such as parliamentary questions, investigative committees, budgetary review, and votes of confidence in order to oversee the executive branch. The executive shall cooperate with such oversight mechanisms within constitutional limits.

Parliamentary oversight shall not be misused in a manner that undermines executive effectiveness; however, constitutional violations

or serious failures in public administration shall give rise to political responsibility.

This principle seeks to establish a sustainable balance between democratic representation and executive authority.

### **Principle 43: Emergency Powers and Constitutional Safeguards**

In extraordinary situations that seriously threaten national security, the constitutional order, or the fundamental functioning of society, the executive branch may exercise limited emergency powers as defined by the Constitution and the law. Such powers shall be temporary, proportionate, and strictly limited to clearly defined purposes.

The exercise of emergency powers shall be subject to parliamentary oversight and limited to specific time periods; any extension shall require parliamentary approval.

States of emergency shall not be interpreted in a manner that abolishes the fundamental principles of the Constitution, core human rights guarantees, or the principle of separation of powers.

Misuse of emergency powers shall constitute a constitutional violation and shall be subject to independent judicial review.

This principle ensures that the state may act effectively during crises while safeguarding the constitutional order.

### **Principle 44: Administrative Governance and Principles of Public Administration**

Public administration shall be structured in accordance with the principles of merit, impartiality, professionalism, transparency, and commitment to the public interest. State administration shall be organized in a manner that ensures institutional continuity independent of political

changes, and public officials shall perform their duties with loyalty to the Constitution and the legal order.

Entry into public service, promotion, and removal from office shall be based on objective merit criteria, and discriminatory or arbitrary practices shall not be permitted.

Administrative decisions shall adhere to the principles of legality, proportionality, and accountability and shall be subject to independent judicial review.

State institutions shall operate through coordination and cooperation in order to ensure that public services are delivered effectively, accessibly, and equally. The preservation of ethical standards in public administration shall be recognized as a constitutional obligation.

This principle strengthens the operational capacity of the executive while safeguarding constitutional balance and merit-based state governance.

## **6 - Judicial Authority**

### **Principle 45: Nature and Independence of Judicial Authority**

Judicial authority shall be exercised by independent courts for the purpose of safeguarding the rule of law, ensuring the implementation of the constitutional order, and protecting the rights of individuals. Judicial bodies shall be independent from the legislative and executive branches and shall perform their duties in accordance with the principles of impartiality, legality, and constitutional fidelity.

No person, institution, or public authority may interfere with, influence, direct, or obstruct judicial decisions. Judges shall perform their duties independently and shall be bound solely by the Constitution and the law.

The judicial system shall be founded upon the principles of the right to a fair trial, equal access to justice, and legal certainty. Judicial decisions shall be binding and must be implemented by all organs of the state.

This principle constitutionally guarantees judicial independence in order to preserve popular sovereignty, merit-based governance, and the balance of powers.

### **Principle 46: Appointment, Qualifications, and Selection Process of Judges**

The appointment of judges shall be carried out through a transparent and multi-stage process based on merit, professional competence, ethical integrity, and impartiality. In order to preserve judicial independence, no political body shall have the authority to determine judicial appointments unilaterally.

Judicial candidates shall be selected from a pool established with the participation of independent judicial councils, professional organizations, and relevant constitutional institutions. Objective evaluation criteria shall be applied, and the process shall be conducted transparently to strengthen public trust.

Individuals holding active political office shall not be eligible for judicial appointment, and a defined cooling-off period may be required before assuming judicial duties.

This principle aims to establish a judiciary that balances democratic legitimacy with institutional independence.

### **Principle 47: Judicial Independence, Security of Tenure, and Institutional Safeguards**

Judges shall perform their duties independently and shall not be arbitrarily removed from office during their term. Security of tenure may

be enforced only in cases of serious disciplinary violation, ethical misconduct, or significant professional incompetence, and solely under independent judicial review.

The budget and administrative functioning of judicial institutions shall be constitutionally protected in a manner that safeguards judicial independence. No public authority may restrict judicial activity through financial or administrative pressure.

Conflict-of-interest regulations and ethical standards shall be applied to preserve judicial impartiality. The binding nature of judicial decisions shall be constitutionally guaranteed, and all organs of the state shall be obliged to comply with such decisions.

This principle ensures the institutional independence of the judiciary as a necessary condition for safeguarding the rule of law and the sustainability of the constitutional order.

### **Principle 48: Constitutional Court and Protection of the Constitutional Order**

An independent Constitutional Court shall be established for the purpose of protecting the constitutional order, ensuring the supremacy of the Constitution, and reviewing whether the activities of state organs comply with constitutional provisions. The Court shall be the highest judicial authority with constitutional interpretative power, and its decisions shall be binding on all public institutions.

The Constitutional Court shall have the authority to review the constitutionality of laws, executive actions, and other public acts. It shall also be responsible for resolving jurisdictional disputes between constitutional institutions.

The structure of the Court, the selection of its members, and its procedures shall be regulated in accordance with the principles of independence, merit, and impartiality.

The Constitutional Court shall serve as the ultimate safeguard for the protection of fundamental rights and the continuity of the constitutional order.

## **Principle 49: Judicial Review and Constitutional Oversight**

Judicial bodies shall possess the authority, pursuant to the principle of constitutional supremacy, to review legislative and executive acts for constitutional compliance. Regulations or actions that conflict with the Constitution may be declared invalid through independent judicial decisions.

Individuals shall have the right to access judicial review mechanisms, directly or indirectly, when alleging violations of their constitutional rights.

Judicial review processes shall be conducted in accordance with the principles of legal certainty, accessibility, and fair trial. No public authority may obstruct the implementation of judicial decisions.

This principle guarantees the supervisory function of the judiciary in order to strengthen the rule of law and ensure the continuity of the constitutional order.

## **Principle 50: Access to Justice and Fair Trial Guarantees**

Every individual shall have the right to access independent and impartial courts for the protection of their rights and freedoms. Judicial proceedings shall be conducted in a fair, timely, accessible, and equal manner.

The right to a fair trial shall include the presumption of innocence, the right to defense, the right to be heard before an independent tribunal, and the right to be tried within a reasonable time.

The State shall establish mechanisms ensuring effective access to justice regardless of economic or social status, including legal aid, language assistance, and other necessary support measures.

Transparency shall be a fundamental principle of judicial proceedings; however, limited confidentiality may be applied where required to protect individual rights or public security.

## **Principle 51: Structure and Organization of the Judicial System**

The judicial system shall consist of independent courts established in accordance with the Constitution and applicable laws, and may include specialized courts according to different legal fields. The organization of courts shall ensure efficiency, accessibility, and legal certainty.

A clear distribution of responsibilities shall exist between courts of first instance, appellate courts, and higher courts. No extraordinary or special tribunal may be established in a manner that undermines fundamental judicial guarantees.

Courts shall consider the Constitution, applicable legal rules, and international human rights standards in their decisions.

The administrative organization of the judiciary shall be structured so as not to weaken judicial independence, and coordination among courts shall ensure consistent and coherent application of the law.

## **Principle 52: Independence of the Prosecution and Administration of Justice**

The prosecutorial authority shall operate independently and under constitutional protection in order to uphold the rule of law, maintain public order, and ensure the impartial investigation of criminal offenses. Prosecutors shall perform their duties free from political or

administrative pressure and shall act solely in accordance with the Constitution and the law.

Criminal investigations shall be conducted in accordance with the principles of objectivity, equality, and legal certainty. No individual or institution may direct, obstruct, or improperly influence prosecutorial activities.

The prosecutorial system shall be structured to maintain a balance between protecting individual rights and safeguarding the public interest, and its actions shall remain subject to judicial oversight.

This principle aims to ensure the effective administration of justice while preventing arbitrary or selective prosecution practices.

## **7 - Fundamental Rights and Freedoms**

### **Principle 53: Human Dignity, Equality, and the Fundamental Worth of Every Individual**

Every human being possesses inherent dignity, equality, and fundamental rights by birth. The State shall be obliged to respect human dignity, uphold the principle of equal citizenship, and prevent discrimination. No person shall be subjected to discrimination on the basis of race, ethnic origin, language, religion, gender, social status, cultural identity, or similar grounds, and all individuals shall be equal before the law. State institutions and public officials shall be responsible for protecting human dignity and promoting fundamental rights in all their activities, and public policies shall be designed to support the free development of the individual and promote social equality. Human dignity constitutes the foundation of the constitutional order, and no exercise of public power may weaken or undermine this principle. This principle shall serve as a fundamental reference in the interpretation of all provisions of the Constitution.

## **Principle 54: Right to Life, Personal Security, and Protection from Harm**

Every individual has the inherent right to life and personal security. The State shall be obliged to protect life and provide effective safeguards against violence, torture, ill-treatment, and arbitrary use of force. No person shall be arbitrarily deprived of life, and the use of public power shall only be permissible when lawful, necessary, and proportionate. Torture, inhuman or degrading treatment or punishment is strictly prohibited, and no exceptional circumstances may justify any violation of this prohibition. The State shall take preventive measures to protect the physical and psychological security of individuals, and violations of the right to life shall be subject to independent judicial review. This principle aims to safeguard human dignity and uphold the fundamental values of the constitutional order.

## **Principle 55: Freedom of Expression, Information, and Communication**

Every individual shall have the freedom to express thoughts, access information, and share ideas through peaceful means. Freedom of expression shall be protected as a fundamental element of a democratic society, and the State shall guarantee the free exchange of diverse opinions. The press and communication media shall be free, and censorship shall not be imposed; however, freedom of expression may be limited within constitutional boundaries and in a proportionate manner in cases involving incitement to violence, hate speech, or clear violations of the fundamental rights of others. The State shall protect the right of access to information and ensure transparency in the dissemination of public information. This principle aims to strengthen democratic debate and enable the exercise of popular sovereignty through informed participation.

## **Principle 56: Freedom of Religion, Belief, and Conscience**

Every individual shall have the freedom of religion, belief, and conscience. This freedom includes the right to believe in any religion, to hold no religious belief, to change one's religion, and to practice beliefs peacefully. The State shall remain neutral toward all religions and beliefs and shall not grant official superiority to any religion or belief. Individuals may freely perform religious practices and express beliefs, provided that such activities are consistent with the constitutional order and public security. No person shall be subjected to discrimination or coercion based on religious belief or non-belief. This principle aims to protect societal diversity and guarantee individual freedom of conscience under constitutional protection.

## **Principle 57: Political Rights and Democratic Participation**

Every citizen shall have the right to participate in public governance, including the rights to vote and to stand for election. Participation in democratic processes shall be constitutionally guaranteed, and elections shall be conducted in a free, fair, and transparent manner. Individuals shall have the right to peacefully express political opinions, join political organizations, and contribute to the formation of public policies. The State shall take measures to ensure equal and inclusive political participation, prevent discrimination, and safeguard democratic competition. Political rights shall not be exercised for purposes aimed at abolishing the constitutional order or promoting violence. This principle guarantees the effective implementation of popular sovereignty.

## **Principle 58: Economic, Social, and Development Rights**

Every individual shall have the right to access living conditions consistent with human dignity. The State shall promote equal opportunity

in education, healthcare, employment, social security, and sustainable development. Economic and social policies shall aim to reduce inequalities and support inclusive development, while the management of public resources shall adhere to principles of transparency and public interest. Individuals shall have the right to fair working conditions, a safe work environment, and equal participation in economic life. The State shall manage natural resources in accordance with the common good and adopt sustainability principles that protect the rights of future generations. This principle establishes a balanced constitutional framework between economic development and social justice.

### **Principle 59: Cultural, Community, and Collective Rights**

The cultural, linguistic, and traditional diversity of society shall be recognized and protected as a constitutional value. Individuals and communities shall have the right to preserve, develop, and transmit their cultural heritage to future generations. The State shall promote the protection of cultural identities and support the continued existence of communities within a framework of social cohesion; however, no community right may be interpreted in a manner that violates constitutional unity, equal citizenship, or fundamental human rights. Traditional practices shall be protected insofar as they are compatible with human dignity, equality, and the rule of law. This principle aims to strengthen social peace by safeguarding cultural diversity within a constitutional framework.

### **Principle 60: Limitation, Protection, and Implementation of Fundamental Rights**

Fundamental rights and freedoms may be limited only by clearly defined and proportionate restrictions that are necessary in a democratic society. No limitation shall abolish core rights such as human dignity, the right to life, or the prohibition of torture. Any limitation of rights shall be

subject to constitutional review, and arbitrary or discriminatory applications shall be prohibited. The State shall establish the legal and institutional mechanisms necessary to ensure the effective protection of fundamental rights, and individuals shall have the right to access independent judicial remedies against rights violations. This principle establishes a balanced constitutional framework between liberty and public order, ensuring both the protection and responsible exercise of rights.

## **8 - Economic Governance, Public Resources and Sustainable Development**

### **Principle 61: Economic Governance and Public Interest Principles**

Economic governance shall be conducted in accordance with the principles of public interest, sustainable development, social justice, and equality of opportunity. The State shall adopt a balanced approach between market dynamism and social welfare when formulating economic policies. The use of public resources shall adhere to transparency, accountability, and merit-based governance principles, and economic decisions must prioritize long-term stability and the collective interests of society. The State shall promote fair competition in economic activities, prevent monopolistic practices, and support inclusive economic growth. Public authorities shall establish regulatory mechanisms to prevent the arbitrary concentration of economic power. This principle aims to create a balanced constitutional framework between economic freedom and social responsibility.

## **Principle 62: Public Finance, Budget Management and Fiscal Transparency**

Public finance shall be managed in accordance with the principles of transparency, accountability, sustainability, and public interest. The state budget shall be approved by Parliament through a democratic process in which revenues and expenditures are presented clearly and comprehensibly. The use of public resources shall be based on efficiency, merit, and fiscal responsibility, and no public expenditure may be undertaken without legal authorization. Budget processes shall be conducted openly, and state revenues, borrowing activities, and expenditures shall be regularly reported to the public. Independent fiscal oversight institutions shall be authorized to examine the legality and accuracy of public finances, and arbitrary practices in fiscal management shall constitute a constitutional violation. This principle seeks to establish a balanced system between fiscal discipline and democratic oversight in order to strengthen economic stability and public trust..

## **Principle 63: Natural Resources, Public Ownership and Responsible Management**

Natural resources shall be recognized as the common heritage of the people and shall be protected and managed by the State in the public interest. The use of such resources shall be conducted in accordance with the principles of sustainability, transparency, and intergenerational justice. The extraction, exploitation, and distribution of revenues derived from natural resources shall be subject to open and accountable procedures and shall be regularly reported to the public. The State shall establish independent oversight mechanisms to prevent corruption, monopolistic control, or arbitrary privileges in the management of natural resources. The environmental and social rights of local communities shall be protected, and the views of affected populations shall be taken into account in natural resource projects. This principle aims to create a

balanced constitutional framework between economic development, environmental protection, and social welfare.

### **Principle 64: Sustainable Development and Intergenerational Justice**

The State shall promote sustainable development by establishing a balanced relationship between economic growth, environmental protection, and social welfare. Public policies shall be designed not only to address the needs of the present generation but also to safeguard the rights and living conditions of future generations. The protection of the natural environment, planning that respects ecological balance, and the responsible use of resources shall be recognized as constitutional principles. State authorities shall adopt the necessary measures to reduce environmental risks, prevent the excessive exploitation of natural resources, and support long-term societal well-being. This principle aims to guarantee intergenerational justice by establishing a balanced constitutional framework between development and environmental sustainability.

### **Principle 65: Independent Fiscal Oversight and Financial Accountability Institutions**

Independent fiscal oversight institutions shall be established to ensure that public finances are managed in a transparent, responsible, and sustainable manner. These institutions shall oversee the state budget, public expenditures, borrowing activities, and fiscal policies in accordance with constitutional principles. Fiscal oversight bodies shall operate independently from the legislative and executive branches and shall submit regular reports to Parliament and to the public. No public authority may obstruct or restrict the investigative or reporting activities of these institutions. Where serious irregularities or constitutional violations in financial management are identified, the relevant authorities shall be required to adopt corrective measures. This principle is intended

to strengthen economic stability, increase public trust, and guarantee accountability in fiscal governance.

### **Principle 66: Fair Competition, Anti-Monopoly Principles and an Inclusive Economic Order**

The economic order shall be based on the principles of fair competition, equality of opportunity, and inclusive growth. The State shall establish the necessary regulatory and supervisory mechanisms to prevent excessive concentration of economic power and monopolistic practices. While market activities shall operate on the basis of freedom, practices that undermine the public interest, eliminate competition, or deepen social inequalities may be regulated within constitutional limits. The State shall support the development of small and medium-sized enterprises, promote broad participation in economic activity, and prevent discrimination in access to economic opportunities. Economic policies shall be aligned with the principles of sustainable development, social justice, and long-term stability. This principle aims to create a balanced constitutional economic framework between free market dynamics and the public interest.

## **9 - Anti-Corruption, Integrity and Constitutional Accountability Framework**

### **Principle 67: Constitutional Integrity and Anti-Corruption Principles**

State governance shall be founded upon the principles of integrity, transparency, accountability, and commitment to the public interest. The use of public power for personal benefit, privilege, or arbitrary purposes shall constitute a constitutional violation. The fight against corruption shall be considered a fundamental obligation of the constitutional order,

and all state organs, public officials, and individuals entrusted with public resources shall be bound by these principles. Independent oversight and monitoring mechanisms shall be established to maintain ethical standards in public administration and prevent conflicts of interest. The State shall promote transparent decision-making processes, open data policies, and practices that strengthen public oversight in order to reduce corruption risks. This principle elevates integrity and anti-corruption efforts to constitutional norms in order to protect popular sovereignty and ensure the credibility of the constitutional order.

### **Principle 68: Independent Anti-Corruption Efforts and Integrity Institutions**

Independent anti-corruption institutions shall be established to prevent corruption, safeguard integrity in public administration, and prevent the misuse of public power. These institutions shall operate independently from the legislative, executive, and other public authorities. Their functions shall include examining allegations of corruption, investigating ethical violations, identifying risk areas within public administration, and referring cases to the competent judicial authorities where necessary. Members of these institutions shall be selected according to merit, professional competence, and impartiality, and shall benefit from security of tenure. No public authority may obstruct their investigative or reporting activities. Reports produced by anti-corruption institutions shall be regularly submitted to Parliament and made available to the public. This principle aims to strengthen transparency and accountability in public administration and preserve the integrity of the constitutional order.

### **Principle 69: Asset Declaration, Financial Transparency and Public Disclosure**

Senior public officials, elected representatives, and individuals holding constitutionally designated public positions shall be required to

submit declarations of assets and financial interests prior to assuming office and at regular intervals throughout their tenure. These declarations shall be reviewed by independent oversight bodies in accordance with the principles of transparency and accountability. Asset declarations may be made publicly accessible within the framework of the Constitution and relevant laws in order to strengthen public trust. Undisclosed financial interests, misuse of public authority, or unexplained increases in wealth shall constitute constitutional violations and may be subject to legal investigation. This principle establishes financial transparency as a constitutional safeguard to promote integrity in public administration, prevent conflicts of interest, and reduce corruption risks.

### **Principle 70: Conflict of Interest, Ethical Governance and Public Duty Responsibility**

Public officials and elected representatives shall not allow personal, financial, or institutional interests to conflict with their public duties. Public authority shall be exercised solely in pursuit of the public interest. Situations that create conflicts of interest shall be transparently disclosed, and where necessary, the relevant individual shall recuse themselves from decision-making processes. The use of public office for personal advantage shall constitute a constitutional violation and shall be subject to independent oversight and judicial review. State institutions shall establish training, guidance, and monitoring mechanisms to strengthen a culture of ethical governance. This principle aims to preserve integrity and impartiality in public administration and reinforce public confidence in popular sovereignty.

### **Principle 71: Protection of Whistleblowers and Anti-Corruption Reporting Mechanisms**

Individuals who provide information concerning corruption, ethical violations, or the misuse of public power shall be protected under constitutional guarantees. No person shall be punished, dismissed from

employment, or subjected to discriminatory treatment for good-faith reporting or disclosure. The State shall establish secure and confidential reporting mechanisms, and the protection of whistleblower identity shall be a fundamental principle. In order to prevent abuse of reporting mechanisms, intentionally false or misleading disclosures may give rise to legal responsibility. Reports of corruption shall be examined impartially by independent oversight institutions, and judicial proceedings shall be initiated where necessary. This principle aims to strengthen transparency in public administration and encourage societal participation in the fight against corruption.

## **Principle 72: Public Accountability, Citizen Oversight and Transparency Mechanisms**

State organs shall be accountable to the public regarding the exercise of public power. Citizens shall have the right to access information concerning public administration, request oversight, and submit complaints through constitutional mechanisms. Public institutions shall conduct decision-making processes in the most transparent manner possible and make them accessible to public scrutiny. The State shall strengthen transparency in governance through open data practices, independent oversight mechanisms, and platforms encouraging citizen participation. Citizen oversight shall not be misused to undermine the constitutional order; however, ensuring accountability in public administration shall be recognized as a fundamental constitutional obligation. This principle aims to reinforce popular sovereignty and preserve the credibility of the constitutional system.

## **10 - Constitutional Amendment, Continuity, and Constitutional Stability**

### **Principle 73: Supremacy of the Constitution and Continuity of the Constitutional Order**

This Constitution shall constitute the highest legal norm of the State, and the legislative, executive, and judicial branches, as well as all public institutions and individuals, shall be bound by it. Any law, regulation, or public act that contradicts the Constitution shall be deemed invalid. The continuity of the constitutional order shall be recognized as a fundamental principle of state governance, and no public authority may exercise power in a manner that abolishes the constitutional system or weakens its fundamental principles. State organs shall act in accordance with the principle of constitutional loyalty, and the interpretation of the Constitution shall be guided by human dignity, popular sovereignty, merit-based governance, and the balance of powers. Any attempt aimed at suspending or abolishing the constitutional order shall be legally invalid and shall give rise to constitutional responsibility. This principle is established to ensure stability in state governance and to guarantee the supremacy of the Constitution.

### **Principle 74: Procedures for Constitutional Amendment**

Constitutional amendments shall be subject to a special procedure designed to balance constitutional stability with democratic will. Amendment proposals may be submitted by a defined majority of Parliament members, the government, or other constitutionally authorized bodies. Adoption of constitutional amendments shall require a qualified majority vote in Parliament, and significant constitutional changes may be submitted to a referendum in order to ensure direct public participation. The amendment process shall include open public debate

and evaluation stages, and the Constitution may not be amended through expedited procedures that bypass constitutional safeguards. Proposed amendments may be reviewed by the Constitutional Court for compatibility with the fundamental principles of the Constitution. This principle aims to allow democratic constitutional evolution while preventing arbitrary or sudden changes that could weaken the constitutional order.

### **Principle 75: Protected Constitutional Principles and Immutable Foundations**

The fundamental principles of the Constitution — including the democratic character of the state, popular sovereignty, human dignity, the protection of fundamental rights and freedoms, the rule of law, separation of powers, and merit-based governance — shall be recognized as the core values of the constitutional order and may not be abolished through constitutional amendments. No constitutional amendment may be interpreted in a manner that weakens the unity of the state, the principle of equal citizenship, or judicial independence. Under no circumstances, including states of emergency, may these core constitutional values be suspended or set aside. This principle establishes immutable constitutional foundations in order to guarantee the continuity of the constitutional order and the preservation of the democratic structure.

### **Principle 76: Constitutional Review and Judicial Oversight of Constitutional Amendments**

Constitutional amendments may be reviewed by the Constitutional Court to ensure their compatibility with constitutional supremacy and the protected fundamental principles of the Constitution. Amendments proposed or adopted that undermine or weaken the core constitutional values may be declared invalid. The constitutional review process shall aim to safeguard the continuity of the constitutional order while preserving democratic will. The Constitutional Court shall examine

amendments for both procedural and substantive compliance with constitutional rules, and its decisions shall be binding. This principle seeks to allow democratic constitutional evolution while preventing arbitrary or sudden changes that could disrupt the fundamental structure of the constitutional system.

## **11- National Security, Defense, and Constitutional Protection**

### **Principle 77: Constitutional Principles of National Security**

National security policies shall be conducted in accordance with the supremacy of the Constitution, democratic governance, the protection of human rights, and the rule of law; the State's security strategies may be implemented solely for the purpose of safeguarding national independence, territorial integrity, the constitutional order, and the safety of citizens. National security justification shall not be used to arbitrarily or disproportionately restrict fundamental rights and freedoms, and all security practices shall be subject to constitutional oversight. Security institutions shall operate under civilian authority and shall adhere to principles of transparency, accountability, and compliance with legal norms in the performance of their duties. This principle aims to establish a balanced constitutional framework between security and freedom, ensuring the protection of the State while safeguarding the continuity of the democratic order.

### **Principle 78: Civilian Control and Democratic Oversight of the Armed Forces**

The armed forces shall constitute a professional institution established to protect the constitutional order and ensure national defense, operating under the authority of democratically elected civilian

leadership. The armed forces shall not intervene in political processes nor assume any political role outside the constitutional framework. Defense policies shall be conducted within the constitutional framework determined by Parliament, and military activities shall be subject to legal oversight for compliance with the rule of law. The budget and operations of the armed forces shall be open to democratic oversight mechanisms consistent with national security requirements. This principle aims to ensure that military power remains within constitutional limits, thereby safeguarding the continuity of democratic governance and the supremacy of civilian authority.

### **Principle 79: Duties and Constitutional Limits of Defense and Security Institutions**

Defense and security institutions shall operate for the purpose of protecting the independence of the State, the constitutional order, and the security of society; in carrying out their functions, these institutions shall remain bound by the Constitution, legal rules, and the principle of respect for fundamental rights. Security powers may be exercised only within legally defined mandates, and arbitrary practices shall not be permitted. Internal security activities shall aim to preserve public order but shall not lead to unnecessary or disproportionate restrictions on individual freedoms. Security institutions shall adhere to the principle of political neutrality and may not act on behalf of any political interest or group. This principle seeks to establish a constitutional balance between security and freedom by limiting the powers of security institutions while safeguarding the democratic order.

### **Principle 80: Internal Security, Emergency Powers, and Protection of Fundamental Rights**

The State may exercise special powers in extraordinary situations in order to ensure internal security and maintain public order; however, such powers shall be applied within constitutional limits and in a temporary

and proportionate manner. The declaration of a state of emergency shall be subject to parliamentary approval and must clearly define its duration, scope, and implementation. Human dignity, the right to life, the prohibition of torture, and core fundamental rights may not be suspended under any circumstances. The exercise of emergency powers shall be subject to independent judicial review, and arbitrary practices shall constitute constitutional violations. This principle aims to ensure that the State can act effectively in times of crisis while guaranteeing the protection of the democratic order and fundamental rights.

## **12 - Final Principles and Transitional Provisions**

### **Principle 81: Entry into Force of the Constitution**

This Constitution shall enter into force on the date of its democratic adoption and official promulgation, and from that moment shall become the supreme legal norm of the State. Upon its entry into force, previous constitutional arrangements and all legal rules explicitly inconsistent with this Constitution shall be deemed invalid; however, in order to preserve legal continuity, existing legislation shall remain in force insofar as it is compatible with the Constitution. State organs, public institutions, and all public officials shall be obligated to perform their duties in accordance with the provisions of this Constitution, and the necessary institutional and administrative arrangements required for the implementation of the constitutional order shall be carried out within a reasonable period. This principle aims to ensure the orderly and stable entry into force of the new constitutional system and to guarantee a constitutional transition without legal gaps.

## **Principle 82: Transitional Process and Institutional Adaptation**

A transitional period shall be established to ensure the effective implementation of the new constitutional order; existing state institutions and public authorities shall be restructured within a defined timeframe to achieve compliance with the provisions of the Constitution. During the transitional period, legal continuity shall be preserved, and the uninterrupted delivery of public services shall be maintained; temporary measures adopted during this phase may only serve to facilitate the establishment of the constitutional system and shall not contradict the fundamental principles of the Constitution. The establishment of institutions created by the new Constitution, the reallocation of institutional responsibilities, and the adaptation of existing legislation shall be carried out in accordance with the principles of transparency and accountability. Detailed provisions governing the transitional process shall be regulated by relevant laws within the constitutional framework and shall be subject to independent judicial review. This principle aims to ensure an orderly, peaceful, and stable transition from the previous system to the new constitutional order.

## **Principle 83: Continuity of Existing Laws and Legal Stability**

Laws, regulations, and other legal instruments in force at the time this Constitution enters into effect shall remain valid insofar as they do not conflict with the provisions of the Constitution; however, the competent authorities shall be obligated to undertake the necessary legislative adjustments within a reasonable period in order to ensure conformity with the Constitution. The preservation of legal stability constitutes a fundamental principle of the constitutional transition process, and preventing the emergence of legal vacuums during the implementation of the new constitutional order is essential. Public authorities, while progressively adapting the existing legal system to constitutional

principles, shall respect acquired rights and legitimate expectations related to legal certainty. This principle aims to ensure the implementation of the new constitutional system while safeguarding the continuity of the legal order and maintaining social stability.

### **Principle 84: Final Provision and Constitutional Loyalty**

This Constitution is founded upon the principles of popular sovereignty, human dignity, merit-based governance, the rule of law, and democratic balance, and is binding upon all state organs, public officials, and citizens. Constitutional loyalty is recognized as a fundamental obligation of public office, and no individual or institution may engage in activities aimed at abolishing or undermining the constitutional order or its core principles. State organs are obligated to act in accordance with the spirit and objectives of the Constitution, and the protection of the constitutional order is recognized as a shared responsibility. This principle, as the final provision of the Constitution, guarantees the integrity, continuity, and collective commitment of society to the constitutional order and its fundamental values.

# **IMPLEMENTATION**

## **PATHWAYS AND STRATEGIES**

The merit-based constitutional governance model discussed throughout this book has been developed not as a constitutional draft specific to a single country, but as an institutional architecture that can be adapted to different political contexts. Therefore, the success of the model depends not only on the strength of its theoretical principles but also on how implementation processes are designed. Constitutional reforms must often be evaluated not only in terms of technical accuracy but also in terms of political feasibility.

The adaptation of a country's existing constitutional system to a merit-based governance model generally requires a three-stage process: assessment, adaptation, and institutionalization.

The first stage involves a comprehensive analysis of the existing constitutional structure. The objective at this stage is to identify the strengths and weaknesses of the current system and determine which areas contain institutional incentives that negatively affect governance quality. The functioning of separation-of-powers mechanisms, the transparency of appointment processes, the independence of oversight institutions, and economic governance structures constitute key components of this assessment process. This analysis enables reforms to be carried out through targeted design changes rather than radical institutional ruptures.

The second stage is the adaptation process. At this stage, the core principles of the model are integrated into the country's existing constitutional framework. The adaptation process makes it possible to strengthen specific institutional mechanisms without necessarily drafting an entirely new constitution. Establishing merit-based appointment standards, constitutionally safeguarding independent oversight bodies,

and institutionalizing transparency mechanisms are central elements of this phase. The adaptive approach encourages gradual transformation by reducing the risk of political resistance to reform.

The third stage is institutionalization. For reforms to be sustainable, legal arrangements alone are insufficient; new institutional norms must also gain acceptance at political and societal levels. This process requires long-term strategies such as educational programs, the restructuring of public administration standards, and the strengthening of oversight mechanisms. Institutionalization ensures that reforms continue beyond specific leadership periods.

One of the greatest challenges in implementing the model lies in how reforms affect existing power balances. Constitutional reforms may often be perceived as threats by current political actors. Therefore, the implementation strategy should present reforms not as ideological transformations but as technical improvements that enhance state capacity. Principles such as transparency, accountability, and merit should be framed as universal values that provide societal benefit beyond political competition.

Another important factor is the modular structure of reforms. Attempting to change the entire system at once may create political resistance and institutional complexity. Instead, initiating pilot implementations in specific areas and expanding reforms as successful outcomes emerge offers a more sustainable strategy. This approach supports institutional learning and strengthens the social legitimacy of reforms.

International experience shows that constitutional reforms can be strengthened not only through internal political processes but also through cooperation with academic communities, civil society

organizations, and international institutions.<sup>7</sup> However, such cooperation must be designed in a way that does not undermine local ownership. Active participation of local actors is critical to the success of reforms.

In conclusion, transitioning to a merit-based constitutional governance model should be understood as a gradual and strategic process rather than a sudden and radical transformation. This approach aims to improve governance quality by redesigning institutional incentives without requiring the complete replacement of existing constitutional structures. The strength of the model lies not in offering a single universal solution, but in enabling different countries to develop reform pathways suited to their own contexts.

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<sup>7</sup> Ginsburg, T., Elkins, Z., & Blount, J. (2009). Does the process of constitution-making matter? *Annual Review of Law and Social Science*, 5, 201–223.

# CONCLUSION

Throughout this book, governance challenges in Africa have been examined from the perspective of institutional design, moving beyond conventional explanations. Although discussions often revolve around leadership deficiencies, economic constraints, or external interventions, the analyses presented here demonstrate that the quality of governance is largely shaped by constitutional architecture and institutional incentives. For this reason, sustainable reform requires not only political change but also a rethinking of system design itself.

The early chapters explored the historical background of state-building processes in Africa and analyzed why many constitutional reforms have failed to produce the expected outcomes. These analyses revealed that constitutions are not merely lists of normative values; they embody a design logic that determines how institutions function in practice. Principles such as separation of powers, transparency, or democratic representation may have limited practical impact if they are not supported by appropriate incentive structures.

Another key theme emphasized throughout the book is that governance problems are often the result of systemic structures rather than individual actors. Issues such as corruption, power concentration, or economic fragility cannot be explained solely by ethical shortcomings; they are frequently the natural outcomes of poorly designed institutional incentives. Therefore, genuine reform requires not simply changing individuals but redesigning the underlying logic of how systems operate.

Within this context, a merit-based governance approach plays a central role. Merit is treated not merely as a measure of technical expertise or individual achievement, but as a constitutional principle that strengthens state capacity. The balance between democratic legitimacy and institutional professionalism forms the foundation of sustainable and stable governance. Systems that maintain this balance preserve the

dynamism of political competition while ensuring predictability and continuity in public administration.

One of the most important features of the approach developed in this book is that it does not propose a single, uniform constitutional model. Given the historical, cultural, and political diversity among African countries, a universal constitutional template would be unrealistic. Instead, the book presents an adaptable and modular constitutional governance framework designed to enable each country to develop reform pathways suited to its own context. This approach treats reform not as a radical rupture but as a gradual and sustainable transformation.

Looking toward the future, constitutional governance debates cannot be limited to discussions of system types alone. Categories such as presidential or parliamentary systems may continue to produce similar challenges if institutional incentives are poorly designed. The essential issue lies in constructing an institutional architecture that balances the exercise of power while anchoring public institutions in professional standards. The merit-based constitutional governance model aims to offer a conceptual framework capable of addressing this need.

Ultimately, this book is not intended as a definitive prescription offering fixed solutions, but rather as an effort to introduce a new perspective into constitutional thinking. The objective is not merely to criticize existing systems, but to open a discussion about institutional tools that can make them stronger and more sustainable. If this work succeeds in raising new awareness about the importance of system design in constitutional reform debates, it will have achieved its intended purpose.