

The Quest for Constitutionalism

South Africa since 1994

Apartheid
Violence

Constitutional
Transformation

Inequality
Injustice

Edited by
Hugh Corbett, Monnica Fedorova, Romano Orlitzky

Routledge

Quest For Constitutionalism In Africa

Fatima Diallo, Richard Calland



Quest For Constitutionalism In Africa:

Decentralization and Constitutionalism in Africa Charles M. Fombad, Nico Steytler, 2019-09-10 This collection of essays assesses the efforts of African governments to constitutionalise decentralisation be it in the form of federalism local government or traditional authorities Since the end of the Cold War jurisdictions across Africa have witnessed an ostensible return to multi party democracy within the paradigm of constitutionalism and the rule of law Linked to the democratisation process many countries took steps to decentralize power by departing from the heavily centralized systems inherited from colonial regimes The centralization of power typically characterized by the personalization and concentration of power in the hands of leaders and privileged elites in capital cities mostly resulted in repressive regimes and fragile states As decentralisation is a response to these challenges this volume analyses the dynamic relationship between the efforts to implement decentralization and presence or absence of constitutionalism This volume examines a variety of forms and degrees of decentralization found across Africa It advances a new understanding of trends and patterns and facilitates the exchange of ideas among African governments and scholars about the critical role that decentralisation may play in democratization of and constitutionalism in Africa *Constitutionalism and Democratic Governance in Africa: Contemporary Perspectives from Sub-Saharan Africa* Morris Kiwinda Mbondenye, Tom O. Ojienda, 2013

Access to Information in Africa Fatima Diallo, Richard Calland, 2013-06-15 For a long time Africa has lagged behind global advances in transparency but there are now significant developments on the continent In a ground breaking book Access to Information in Africa brings together for the first time a collection of African academics and practitioners to contribute to the fast growing body of scholarship that is now accumulating internationally This is therefore an African account of progress made and setbacks suffered but also an account of challenges and obstacles that confront both policy makers and practitioners These challenges must be overcome if greater public access to information is to make a distinctive positive contribution to the continent's democratic and socio economic future This book offers a necessarily multi dimensional perspective on the state of ATI in African jurisdictions and the emerging new praxis a praxis that will entail a genuine domestication of the right of access to information on the continent

Constitutionalism in Africa Carla M. Zoethout, Marlies E. Pietermaat-Kros, 1996 *The Quest for Constitutionalism in Africa* Asmelash Beyene, Gelase R. Mutahaba, 1994 Some Lessons of Experience by R Baguma

Conquest, Constitutionalism and Democratic Contestations Joel M. Modiri, 2020-05-21 Two decades since the enactment of South Africa's present constitution the durability and endurance of past inequalities and injustices illustrate that the new South Africa lauded as a miracle nation with the best constitution in the world can no longer be regarded as an unqualified success The legal and constitutional foundations of post 1994 South Africa are in a process of renegotiation that invites new and alternative perspectives and approaches This comprehensive volume explores this process of renegotiation by engaging political and intellectual contestations circulating in South African academic and public discourse relating to continuities and

discontinuities between the colonial apartheid past and the post 1994 constitutional present The authors analyse the moral intellectual and political unravelling of post 1994 South African constitutionalism as legal text and political culture and enquire whether it has been able to respond adequately to the fundamental contradictions generated by colonisation and apartheid They also consider how centring the historical problem of European domination and conquest in Africa and South Africa in particular might provide an alternative frame or lens to theorise and understand contemporary South African realities This book marks out a complex field of contestation involving competing histories locations visions and perspectives that raises multifaceted questions regarding law history and politics It is the outcome of a South African Journal of Human Rights colloquium and was originally published as a special issue of the journal *The Real Politics of the Horn of Africa* Alex de Waal, 2015-10-19 The Real Politics of the Horn of Africa delves into the business of politics in the turbulent war torn countries of north east Africa It is a contemporary history of how politicians generals and insurgents bargain over money and power and use of war to achieve their goals Drawing on a thirty year career in Sudan Ethiopia Eritrea and Somalia including experience as a participant in high level peace talks Alex de Waal provides a unique and compelling account of how these countries leaders run their governments conduct their business fight their wars and occasionally make peace De Waal shows how leaders operate on a business model securing funds for their political budgets which they use to rent the provisional allegiances of army officers militia commanders tribal chiefs and party officials at the going rate This political marketplace is eroding the institutions of government and reversing statebuilding and it is fuelled in large part by oil exports aid funds and western military assistance for counter terrorism and peacekeeping The Real Politics of the Horn of Africa is a sharp and disturbing book with profound implications for international relations development and peacemaking in the Horn of Africa and beyond *Comparative Constitutionalism and Good Governance in the Commonwealth* John Hatchard, Muna Ndulo, Peter Slinn, 2004-07-08 The central role that good effective and capable governance plays in the economic and social development of a country is now widely recognised Using the Commonwealth countries of eastern and southern Africa this book analyses some of the key constitutional issues in the process of developing strengthening and consolidating the capacity of states to ensure the good governance of their peoples Utilising comparative material the book seeks to draw lessons both positive and negative about the problems of constitutionalism in the region and in doing so critically addresses the legal issues involved in seeking to make constitutions work in practice *Model Law on Access to Information for Africa and other regional instruments: Soft law and human rights in Africa* Ololade Shyllon, 2018-01-01 Model Law on Access to Information for Africa and other regional instruments Soft law and human rights in Africa Edited by Ololade Shyllon 2018 ISBN 978 1 920538 87 3 Pages 255 Print version Available Electronic version Free PDF available About the publication The adoption in 2013 of the Model Law on Access to Information for Africa by the African Commission on Human and Peoples Rights is an important landmark in the increasing elaboration of human rights related soft law standards in Africa Although

non binding the Model Law significantly influenced the access to information landscape on the continent Since the adoption of the Model Law the Commission adopted several General Comments The AU similarly adopted Model Laws such as the African Union Model Law on Internally Displaced Persons in Addressing Internal Displacement in Africa This collection of essays inquires into the role and impact of soft law standards within the African human rights system and the AU generally It assesses the extent to which these standards induced compliance and identifies factors that contribute to generating such compliance This book is a collection of papers presented at a conference organised by the Centre for Human Rights University of Pretoria with the financial support of the government of Norway through the Royal Norwegian Embassy in Pretoria Following the conference the papers were reviewed and reworked Table of Contents Acknowledgments Preface Contributors Abbreviations and acronyms PART I THE MODEL LAW AND ITS INFLUENCE ON ACCESS TO INFORMATION IN AFRICA Introduction Ololade Shyllon The impact of the Model Law on Access to Information for Africa Fola Adeleke Implementing a Model Law on Access to Information in Africa Lessons from the Americas Marianna Belalba and Alan Sears The implementation of the constitutional right of access to information in Africa Opportunities and challenges Ololade Shyllon PART II COUNTRY STUDIES The Model Law on Access to Information for Africa and the struggle for the review and passage of the Ghanaian Right to Information Bill of 2013 Ugonna Ukaigwe The impact of the Model Law on Access to Information for Africa on Kenya's Access to Information framework Anne Nderi The Sudanese Access to Information Act 2015 A step forward Ali Abdelrahman Ali Compliance through decoration Access to information in Zimbabwe Nhlanhla Ngwenya PART III INFLUENCE OF SOFT LAW WITHIN THE AFRICAN HUMAN RIGHTS SYSTEM Soft law and legitimacy in the African Union The case of the Pretoria Principles on Ending Mass Atrocities Pursuant to Article 4 h of the AU Constitutive Act Busingye Kabumba The incorporation of the thematic resolutions of the African Commission into the domestic laws of African countries Japhet Biegon General Comment 1 of the African Commission of the African Commission on Human and Peoples Rights A source of norms and standard setting on sexual and reproductive health and rights Ebenezer Durojaye The African Union Model Law on Internally Displaced Persons A critique Romola Adeola Selected bibliography *THE IMPLEMENTATION OF MODERN AFRICAN CONSTITUTIONS: Challenges and Prospects* Charles M. Fombad, Nathaniel A Inegbedion, Thulani R Maseko, Lukman Abdulrauf, Tinashe Chigwata, Donald Rukare, Wandisa Phama, Palesa Madi, Makanatsa Makonese, Kamotho Waiganjo, Jane R Serwanga, 2016-12-30 *The Land is Ours* Tembeka Ngcukaitobi, 2018 *The Land Is Ours* tells the fascinating story of South Africa's early black lawyers and explores the relationship between the law and politics It shows that the concept of a Bill of Rights which is an international norm today was pioneered by these black South African lawyers and is particularly relevant in light of current debates about the Co **The Force of Obedience** Beatrice Hibou, 2011-06-27 The events that took place in Tunisia in January 2011 were the spark igniting the uprisings that swept across North Africa and the Middle East toppling dictators and leading to violent conflict and tense stand offs What was it

about this small country in North Africa that enabled it to play this exceptional role This book is a deeply informed account of the exercise of power in Tunisia in the run up to the revolt that forced its authoritarian ruler Ben Ali into exile It analyses the practices of domination and repression that were pervasive features of everyday life in Tunisia showing how the debt economy and the systems of social solidarity and welfare created forms of subjection and mutual dependence between rulers and ruled enabling the reader to understand how a powerful protest movement could develop despite tight control by police and party For those wishing to understand the extraordinary events unfolding across the Arab world this rich subtle and insightful book is the indispensable starting point

Constitutional Triumphs, Constitutional Disappointments

Rosalind Dixon, Theunis Roux, 2018-04-19 The 1996 South African Constitution was promulgated on 18th December 1996 and came into effect on 4th February 1997 Its aspirational provisions promised to transform South Africa's economy and society along non racial and egalitarian lines Following the twentieth anniversary of its enactment this book co edited by Rosalind Dixon and Theunis Roux examines the triumphs and disappointments of the Constitution It explains the arguments in favor of the Constitution being replaced with a more authentically African document untainted by the necessity to compromise with ruling interests predominant at the end of apartheid Others believe it remains a landmark attempt to create a society based on social economic and political rights for all citizens and that its true implementation has yet to be achieved This volume considers whether the problems South Africa now faces are of constitutional design or implementation and analyses the Constitution's external influence on constitutionalism in other parts of the world

New Constitutionalism and World Order

Stephen Gill, A. Claire Cutler, 2014 This path breaking collection analyzes the dialectic between legal and constitutional innovations intended to inscribe corporate power and market disciplines in world order and the potential for challenges and alternative frameworks of governance to emerge It provides a comprehensive approach to neoliberal constitutionalism and regulation and limits to policy autonomy of states and how this disciplines populations according to the intensifying demands of corporations and market forces in global market civilization Contributors examine global and local public policy challenges and consider if the ongoing crises of capitalism and world order offer states and societies opportunities to challenge this loss of policy autonomy and potentially to refashion world order Integrating approaches to governance and world order from both leading and emerging scholars this is an innovative indispensable source for policymakers civil society organizations professionals and students in law politics economics sociology philosophy and international relations

Regional

Integration in Africa André Mbata Betukumesu Mangu, 2020 In Regional Integration in Africa What Role for South Africa Henri Bah Siphamandla Zondi and Andr Mbata Mangu reflect on African integration Despite some progress made Africa is lagging behind and South Africa has not played a major role

Comparative Constitutionalism and Good Governance

in the Commonwealth John Hatchard, Muna Ndulo, Peter Slinn, 2004-07-08 The central role that effective governance plays in the economic and social development of a country is widely recognized Using the example of the Commonwealth countries

of eastern and southern Africa this book analyzes the key issues in the process of developing strengthening and consolidating the state's capacity to ensure the effective governance of its peoples. The book draws attention to the problems of constitutionalism and critically addresses legal issues involved in making constitutions work in practice.

Constitutionalism in Africa Joseph Oloka-Onyango, 2001. This collection of essays brings together critical and considered responses to matters of constitutionalism in the context of the most recent political evolutions in many African countries. They are concerned with the struggles for progressive constitutionalism and review historical developments and future challenges. Some specific subjects discussed are pan-Africanism and constitutionalism, culture, ethnicity and citizenship with reference to Rwanda and Senegal, equality, discrimination and constitutionalism in Muslim Africa, gender and affirmative action in post-1995 Uganda, constitution making in Eritrea and the challenges of antiquated constitutional doctrines and values in Commonwealth Africa. The contributors are prominent scholars in the fields of politics, law and human rights and include Ola Abu Zeid, Antonia Kalu, Ali Mazrui, Oloka Onyango and Sylvia Tamale.

The Classical Liberal Constitution Richard A. Epstein, 2014-01-06. Steering clear of debates over originalism vs a living Constitution, Richard A. Epstein employs close reading, historical analysis and political and economic theory to urge a return to federalism, restricted government, separation of powers and strong protection of individual rights, ideas that animated the framers' constitutional design.

Rights and the Politics of Recognition in Africa Harri Englund, Francis B. Nyamnjoh, 2004-09-18. Publisher Description: **The Transition to Democratic Governance in Africa** John Mukum Mbaku Esq., Julius O. Ihonvbere, 2003-04-30. Africa is currently experiencing sociopolitical and economic changes of unprecedented proportions. New leaders, institutions, discourses and methods of political organization and action are shaping a new future. Through a case study approach, this essay collection provides a comprehensive analysis of the history, trajectory, actors, institutions, contradictions, failures and opportunities in contemporary efforts at democratization in Africa. While presenting the dynamics of democracy and democratization in several African countries, they also look at critical issues in Africa's transition projects from political parties and elections through constitutions and constitutionalism to new structures of power and politics. A provocative analysis for scholars, students, researchers and policy makers involved with African political and economic development.

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