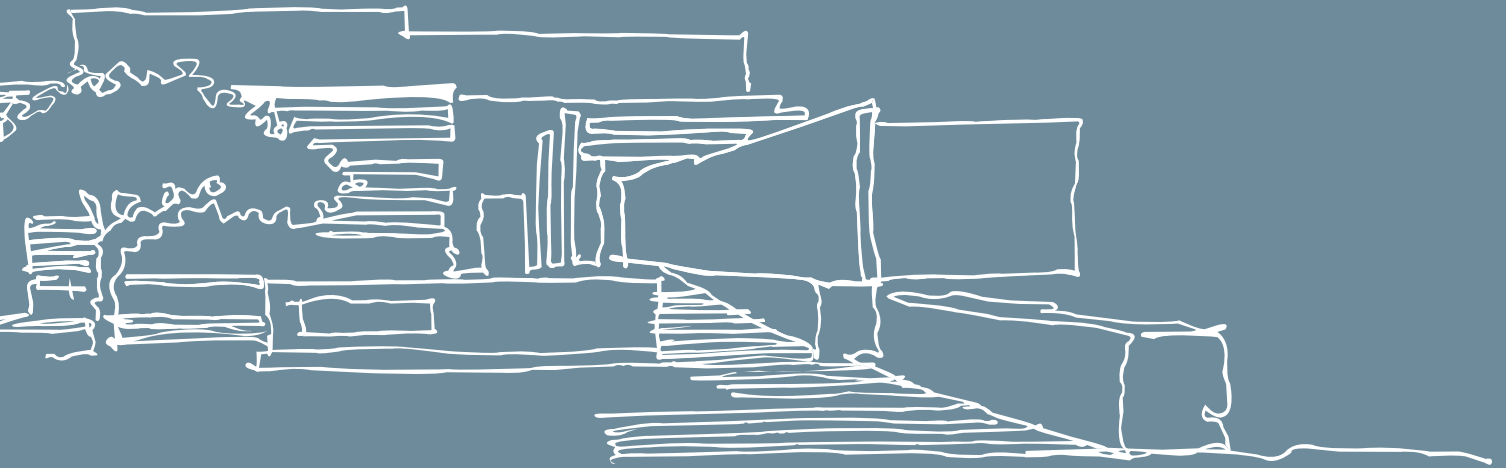


THIRD STELLENBOSCH ANNUAL SEMINAR
ON CONSTITUTIONALISM IN AFRICA (SASCA)
CONSTITUTIONAL ADJUDICATION IN AFRICA
16-18 SEPTEMBER 2015

A CREATIVE SPACE FOR THE MIND



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STELLENBOSCH INSTITUTE FOR ADVANCED STUDY
STELLENBOSSE INSTITUUT VIR GEVORDERDE NAVORSING

INTRODUCTORY NOTE

OBJECTIVES

The Third Stellenbosch Annual Seminar on Constitutionalism in Africa (SASCA 2015), jointly organised by the Institute for International and Comparative Law in Africa (ICLA) of the Faculty of Law, University of Pretoria and the Stellenbosch Institute for Advanced Study (STIAS) will be held in Stellenbosch (South Africa) from Wednesday 16 September to Friday 18 September 2015. The theme for this year's seminar is "Constitutional Adjudication in Africa."

The theme for this third seminar in the SASCA series is premised on the fact that Africa now provides an excellent example of the interplay of the diverse forms of constitutional review models and the prospects for new developments in constitutional adjudication. Over the last two decades some of these courts have been asked to decide a litany of hotly contested social, political and economic questions. As the list of areas in which these courts intervene has grown, so too have their powers, actual or potential. By identifying the different models of constitutional review that have been adopted in the last two decades, this seminar seeks to investigate the different ways in which these courts are contributing to enhancing constitutionalism and respect for the rule of law on the continent. The seminar will also examine the extent to which the long-standing image of African courts as powerless, unimportant and irrelevant when faced with constitutional violations has been overcome.

The discussions will combine, *inter alia*, a number of country specific studies which illustrate the different constitutional review models on the continent, comparative studies on certain sub themes which cut across the different constitutional traditions and an attempt to understand how some of the more successful constitutional courts

or courts exercising a constitutional jurisdiction operate. Although progress is uneven and there still remains, in many African countries, a wide gap between what the constitutional texts provides for and what actually happens in practice, such a comparative study is still very important. The numerous issues that will be interrogated during the seminar will provide a basis for identifying new trends, challenges, lessons, opportunities and future directions.

FORMAT OF PROGRAMME AND EXPECTED RESULTS AND OUTCOMES

The programme will run from Wednesday 16 September to Friday 18 September. There will be eight sessions. The morning sessions will start from 08h30 and end at 12h30. The afternoon sessions will start at 14h00 and end at 17h30. The first session will start on Wednesday morning and end with a welcome dinner later that evening at 18h30. There will be a short excursion on Thursday from 13h00 to 18h30.

Each session will involve short presentations followed by discussions. Each presenter will try to identify specific issues which in his/her opinion need to be discussed. The concluding session on Friday 18 September will be devoted to discussing the challenges faced and the lessons for the future.

Since one of the most important objectives of the SASCA series is to fill the knowledge gap in the literature on comparative African constitutional law, the papers presented during this seminar will be peer-reviewed for possible publication in volume 2 of the new Oxford University Press series, *Stellenbosch Handbooks on African Constitutional Law*.

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WORKSHOP PROGRAMME

WEDNESDAY, 16 SEPTEMBER 2015		
08h30-09h00	Registration	
09h00-10h30	Introductory Session	Chairperson: Prof Kwame Frimpong
	Welcoming on behalf of ICLA and STIAS	Prof Hendrik Geyer, Director of STIAS
	General Introduction to the Programme and An Overview of Constitutional Courts in Africa	Prof Charles Fombad
10h30-11h00	Coffee Break and Group photograph	
11h00-12h30	First Session: Archetypical Examples of Different Models of African Constitutional Adjudication	Chairperson: Prof Kwame Frimpong
	Centralised Constitutional Court Model from Francophone Africa: The Benin Constitutional Court	Prof Joel Aivo
	The Supreme Court of Ghana: Nature of Jurisdiction as the Apex Court and Contribution to the Promotion of Constitutionalism and Rule of Law	Prof Kofi Quashigah
	Constitutional Adjudication in Nigeria: An Analysis of Formal Structures and their Substantive Impact	Prof Ameze Guobadia
12h30-14h00	Lunch break	

14h00-15h30	Second Session: Archetypical Examples of Different Models of African Constitutional Adjudication Cont'd	Chairperson: Prof Enyinna Nwauche
	Unique but ineffective: Assessing the Constitutional Adjudication System in Ethiopia	Dr. Adem Abebe
	Centralised Constitutional Court Model from Lusophone Africa: The Angolan Constitutional Court	Prof Andre Thomashausen
	From Germany to America: The South African Evolution from Centralised to Decentralised Constitutional Review	Dr. James Fowkes
15h30-16h00	Coffee break	
16h00-17h30	Third Session: The Impact of Transjudicialism on Constitutional Adjudication	Chairperson: Prof Enyinna Nwauche
	The Impact of Regional and Sub-regional Courts and Tribunals on Constitutional Adjudication in Africa	Dr. Bonolo Dinokopila
	Constitutional Adjudication and the Internationalisation/Globalisation of Constitutional law	Prof Magnus Killander
18h30-20h30	Welcome dinner	

THURSDAY, 17 SEPTEMBER 2015

09h00-10h30	Fourth Session: Constitutional Adjudication and the Promotion of Constitutionalism	Chairperson: Prof Francois Venter
	Constitutional Adjudication and Constitutional Politics in African Constitutionalism	Dr. Horace Adjolohoun
	Expanding the Scope of Constitutional Justice: Direct Access to Constitutional Courts in Anglophone Africa	Prof Enyinna Nwauche
10h30-11h00	Coffee Break	
11h00-12h00	Fifth Session: Constitutional Adjudication and the Promotion of Constitutionalism Cont'd	Chairperson: Prof Francois Venter
	Constitutional Adjudication and the Evolution of Sexual Orientation	Prof Pierre de Vos
	Constitutional Adjudication and the Promotion of Constitutionalism: An assessment of Judicial Trends in Botswana	Mr. Bugalo Maripe
12h00-13h00	Lunch Break	
13h00-18h30	Excursion	

FRIDAY, 18 SEPTEMBER 2015

09h0-10h30	Sixth Session: Some Specific Aspects of Transjudicialism in Constitutional Adjudication	Chairperson: Prof Kofi Qhashigah
	A Family Home, Five Sisters and the Rule of Ultimogeniture ... Comparing Notes on Judicial Approaches to Customary Law in South Africa and Botswana	Prof Christa Rautenbach
	"We the People": Examining the Application of Foreign Law in Ugandan Constitutional Adjudication	Dr. Busingye Kabumba
10h30-11h00	Coffee break	
11h00-13h00	Seventh Session: Decision-making and Working Practices of African Constitutional Courts	Chairperson: Justice Froneman
	Decision-making and Working Practices of the Ghanaian Supreme Court	Prof Kofi Date-Bah (Retired Justice of the Ghanaian Supreme Court)
	The Birth of the South African Constitutional Court	Justice Richard Goldstone (Retired Justice of the South African Constitutional Court)
	Decision-making and Working Practices of the Benin Constitutional Court	Professor Holo, President of the Benin Constitutional Court
13h00-14h00	Lunch break	
14h00-16h00	Eighth Session: General Conclusion: Challenges and Lessons for the future	Chairperson: Prof Charles Fombad
		Dr. James Fowkes Prof Francois Venter Prof Kwame Frimpong Prof Ameze Guobadia
	Planning for SASCA 2016	Prof Francois Venter Prof Charles Fombad Dr. Arne Wulf
	Closing Remarks	Prof Johann Groenewald (STIAS)

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