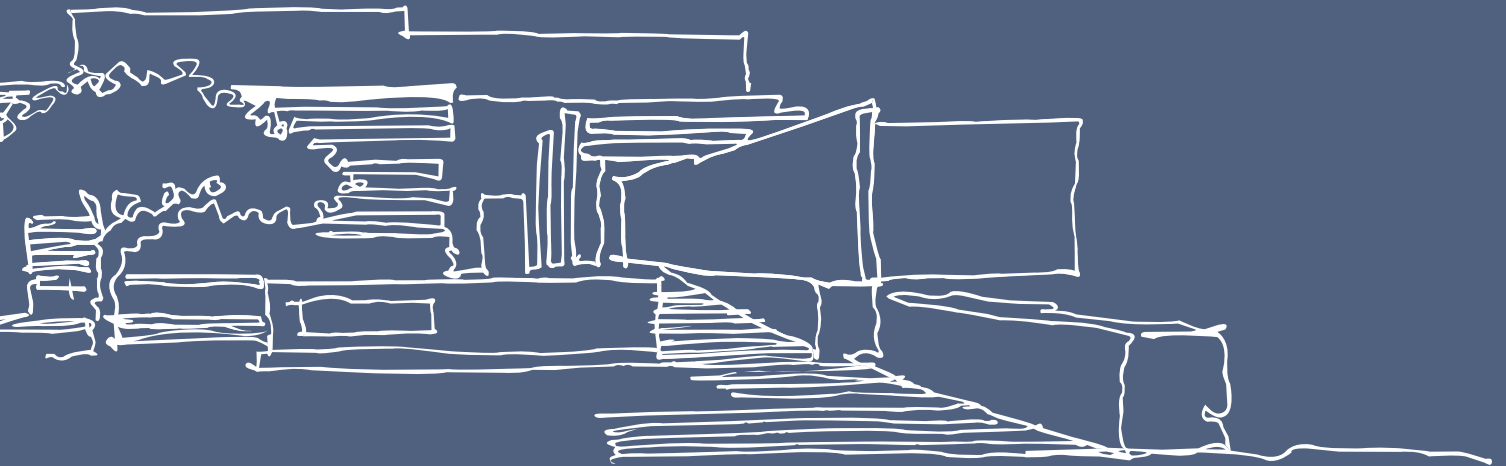


SECOND STELLENBOSCH ANNUAL SEMINAR  
ON CONSTITUTIONALISM IN AFRICA (SASCA)  
**SEPARATION OF POWERS AND CONSTITUTIONALISM  
IN AFRICA: COMPARATIVE PERSPECTIVES**  
17-19 SEPTEMBER 2014

A CREATIVE SPACE FOR THE MIND



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STELLENBOSCH INSTITUTE FOR ADVANCED STUDY  
STELLENBOSSE INSTITUUT VIR GEVORDERDE NAVORSING

# INTRODUCTORY NOTE

## OBJECTIVES

The first Stellenbosch Annual Seminar on Constitutionalism in Africa (SASCA 2013), 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) took place in Stellenbosch from 4-6 September 2013. It brought together a carefully selected group of experts consisting of political scientists, legal practitioners, judges, active constitution-builders and legal scholars from all the four regions of Africa as well as some from America and Europe. This group of experts, after three days of extensive discussions and planning laid down the foundation for a series of SASCA seminars which will run for the next four years. During this first inaugural seminar, the programme for the next series of seminars was laid down.

The theme for this year's seminar is "Separation of powers and constitutionalism in Africa: Comparative perspectives." The excessive concentration of powers is arguably one of the greatest impediments to the promotion of constitutionalism, good governance, democracy and the rule of law in Africa. It is our hope and expectation that the discussion of this very important topic will provide the foundation for more specific issues of excessive concentration of powers and the abuse of powers that go with this to be identified and discussed in subsequent seminars.

## SECOND STELLENBOSCH SEMINAR ON CONSTITUTIONALISM IN AFRICA (SASCA 2014) SEPARATION OF POWERS AND CONSTITUTIONALISM IN AFRICA: COMPARATIVE PERSPECTIVES 17-19 SEPTEMBER 2014

## WORKSHOP PROGRAMME

WEDNESDAY, 17 SEPTEMBER 2014		
14h00-14h30	Registration	
14h30-16h30	<b>Introductory Session</b>	<b>Chairperson:</b> Prof. Kwame Frimpong (Mountcrest University College, Ghana)
	Welcoming on behalf of ICLA and STIAS	Prof. Christof Heyns Co-Director of ICLA
	General Introductions	Prof Charles M. Fombad (ICLA)
	General Introduction to the programme and an overview of separation of powers in Africa	Prof. Charles M. Fombad (ICLA)
	The French constitutional perspectives on the separation of powers	Prof. Xavier Philippe (University of Aix-Marxelle & University of the Western Cape)
16h30-17h00	Group photograph	
18h30-20h30	Welcome dinner – Prof. Hendrik Geyer, Director of STIAS	

THURSDAY, 18 SEPTEMBER 2014		
08h30-10h30	<b>First Session: Legislative and Executive Relations</b>	<b>Chairperson:</b> Prof. Kwame Frimpong (Mountcrest University College, Ghana)
	Parliamentary sovereignty or presidential imperialism? Interaction between legislatures and executives in Anglophone Africa. An overview.	Prof. Francois Venter (North-West University, Potchefstroom Campus)
	The context of Kenya's budding bicameralism and legislative-executive relations	Dr Conrad Bosire (Strathmore University & University of the Western Cape)
	Constitutional design and institutional structures for the regulation of legislative-executive relations in presidential democracies: The case of Nigeria.	Prof Sylvester Shikyil (University of Jos)

## FORMAT OF PROGRAMME AND EXPECTED RESULTS AND OUTCOMES

The programme will run from Wednesday 17 September to Friday 19 September. There will be six sessions. The morning sessions will start at 08h30 and end at 12h30. The afternoon sessions will start at 14h00 and end at 17h30. The first session will start on Wednesday 17 September at 14h00 and end with a welcome dinner later that evening. The last session on Friday 19 September will end at 15h30.

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.

One of the most important aspects of the SASCA project is to fill the knowledge gap in the literature on comparative African constitutional law. The plan is that at the end of each seminar series, the papers will be peer-reviewed and those found to be of high quality will be published in an annual volume. A publisher has already been identified who will publish the papers presented at this year's seminar.

<b>10h30-11h00</b>	Coffee break	
<b>11h00-12h30</b>	<b>Second Session: Legislative and Judicial Relations</b>	<b>Chairperson:</b> Mr Paulos Tesfagiorgis (International IDEA)
	"An overview of legislative and judicial relations in Francophone Africa in the context of the separation of powers".	Prof. Andre Mangu (UNISA, Pretoria)
	Relations between the legislature and the judiciary in Ethiopia.	Prof. Assefa Fiseha (Addis Ababa University)
	Les relations entre le législatif et le judiciaire dans un contexte de séparation des pouvoirs : Un aperçu de la situation en Afrique Francophone.	Prof. Gilles Badet (University of Abom)
<b>12h30-14h00</b>	Lunch break	
<b>14h00-15h30</b>	<b>Third Session: Executive and Judicial Relations</b>	<b>Chairperson:</b> Mr Paulos Tesfagiorgis (International IDEA)
	An Overview of Judicial and Executive Relations in Africa	Prof. Muna Ndulo (Cornell University)
	An Overview of Judicial and Executive Relations in Lusophone Africa	Prof. Fernando Loureiro Bastos ( University of Lisbon)
	Super-presidentialism in Angola and the Angolan judiciary	Prof. Andre Thomashaussen (UNISA Pretoria)
<b>15h30-16h00</b>	Tea break	
<b>16h00-17h30</b>	<b>Fourth Session: Executive and Judicial Relations cont'd</b>	<b>Chairperson:</b> Dr Michaela Hailbronner (ICLA)
	An overview of Approaches to Judicial and Executive Relations: Case Study on Ghana	Prof. Kofi Quashighah (University of Ghana)
	Judicial/executive relations in Nigeria's constitutional development: Clear patterns or confusing signals?	Prof. Ameze Guobadia (Institute of Advanced Legal Studies, Nigeria)
	Separation of Powers in South Africa – Dynamic and Purposive?	Justice Zak Yacoob, Retired Justice of the South African Constitutional Court

<b>FRIDAY, 19 SEPTEMBER 2014</b>		
<b>08h30-10h30</b>	<b>First Session: Executive and Judicial Relations cont'd</b>	<b>Chairperson:</b> Dr Michaela Hailbronner (ICLA)
	Separation of powers in judicial enforcement of governmental ethics in Kenya and South Africa.	Mr Walter Ochieng (Moi University)
	The management of African judicial-executive conflicts in comparative perspective.	Dr James Fowkes (ICLA)
	Judicial and executive relations in Namibia: A review of four cases.	Prof. Nico Horn (University of Namibia)
<b>10h30-11h00</b>	Coffee break	
<b>11h00-13h00</b>	<b>Second Session: Other Aspects of separation of powers</b>	<b>Chairperson:</b> Prof. Christina Murray (UCT)
	Separation of powers and the role of the public prosecutor in Anglophone Africa.	Sir Jeffrey Jowell (Bingham Centre, London)
	Separation of powers and the role of the public prosecutor in Francophone Africa.	Dr Horace Segnonna Adjolohoun (African Commission) and Prof. Charles M. Fombad (ICLA)
	The separation of powers and political regime within the new 27 January Tunisian Constitution.	Prof. Xavier Philippe (University of Aix-Marxelle & University of the Western Cape)
	Legal pluralism and constitutional developments in Somalia.	Prof. Salvatore Mancuso (UCT)
<b>13h00-14h00</b>	Lunch break	
<b>14h00-15h30</b>	<b>Third Session: Discussion about publication of the papers, Planning for SASCA 2015 and proposed study on measuring African constitutionalism</b>	<b>Chairperson:</b> Prof. Christina Murray (UCT)
		Prof. Charles M. Fombad (ICLA) Dr James Fowkes (ICLA) Dr Michaela Hailbronner (ICLA)
	Closing Remarks	Prof. Johann Groenewald (STIAS)

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